For official use

O&M

ESTABLISHMENT MANUAL

VOLUME I

O & M WING
ESTABLISHMENT DIVISION, CABINET SECRETARIAT
1968

For official use

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THE

ESTABLISHMENT MANUAL

Rules, Regulations and administrative instructions on establishment matters issued during the years 1947—1967

VOLUME I (Revised)

COMPILED BY THE

O & M WING

ESTABLISHMENT DIVISION, CABINET SECRETARIAT

GOVERNMENT OF PAKISTAN

1968

PREFACE TO REVISED EDITION

The Establishment Manual (Vol. I) was first published by the O & M Wing in 1963. Prior to its publication, rules and regulations governing the All-Pakistan and various Central Services were scattered over numerous notifications and circulars which were often difficult to trace when required. Since its publication, this document has served as a handy reference-book and provided a reliable basis for efficient settlement of establishment matters. The Manual which codifies all the rules and orders issued since Independence has been published in four volumes during the last few years.

2. Maintaining a manual up-to-date is almost a continuous process as rules and orders amending, adding to, or replacing those in existence are issued from time to time to deal with new situations that keep arising in a progressive administration. If not consolidated at suitable intervals, a manual loses much of its utility. The present edition of the Establishment Manual, Volume I, is in fulfilment of a need that was being felt for some time to bring out a revised edition incorporating all additions and amendments that have been made since it was first published in 1963. It makes the compilation up-to-date as of the 31st of December 1967. Revision of the other volumes is expected to be undertaken later.

3. It is hoped that the Manual in its revised form will continue to serve not only as a handy and reliable tool of decision-making but also as a source of guidance for those affected by it.

IAKhan

I. A. KHAN,
Joint Secretary (O &M),
Establishment Division,
Cabinet Secretariat.

KARACHI;
June 7, 1968.

FOREWORD

At the time of Independence, Pakistan inherited a set of establishment rules and regulations which were designed essentially to serve the needs of an old and long established administration. These rules and regulations had, therefore, to be revised, amended, modified or replaced in the new perspective of Independence which presented a multitude of establishment problems of great urgency and complexity.

2. This process of amendment has continued throughout these years and the establishment rules and regulations have undergone considerable changes. Some of these changes were in conformity with the administrative reforms, while others were necessitated by the constitutional changes that have taken place in more recent years.

As these changes in the rules and regulations are scattered over innumerable notifications and memoranda, the Administrative Branches in the Secretariat and its Attached Departments and Subordinate Offices have perforce to rely on a jumbled collection of documents. This has led to a good deal of confusion and to disparity in administrative practices. It has also created unnecessary work in the Ministries and Departments, as well as in the Establishment Division, to whom frequent references have to be made for advice or clarification. It also sometimes causes hardship to the staff because of the wrong decisions taken on the basis of incomplete and out-of-date documents.

3. The Establishment Manual which has been compiled by the O & M Wing is intended to remedy the defects enumerated above. It is hoped that this authoritative reference book, which contains the latest decisions of Government on establishment matters in a consolidated form, will facilitate the work of the Ministries and Departments and help Government servants generally in appreciating their rights and privileges.

(Sd.)

KARACHI; G. MUEENUDDIN,

January, 1963. Establishment Secretary.

THE ESTABLISHMENT MANUAL

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CHAPTER I

ADMINISTRATIVE POWERS OF HEADS OF ATTACHED DEPARTMENTS

CONTENTS

ADMINISTRATIVE POWERS OF HEADS OF ATTACHED DEPARTMENTS

According to rule 2(*ii*) of the Rules of Business, 1962, Attached Department means a Department which has direct relation with a Division and has been declared as such by Government. The appointments of Heads of Departments fall within the purview of the Central Selection Board (*See* Chap. XX Vol. II) and require approval of the President *vide* Sl. No. 41(*b*) of schedule V of the Rules of Business, 1962.

This Chapter deals with administrative, as distinct from financial, powers of all officers who have the status of Head of Department under the Central Government. The financial powers of Heads of Departments are regulated under para 1(8) of the Ministry of Finance Office Memorandum No. 1(5)-E.I/63, dated the 18th November, 1963 regarding revised system of financial control and budgeting.

Delegation of administrative powers to Departments :

Sl. No. 1 :

The question of delegating administrative powers to Attached Departments with a view to promoting efficiency has been under the consideration of Government for some time, and Government have now taken the following decisions :—

(1) **Separation of 'policy-making' and 'executive' function.** Each Ministry should confine itself to policy-making, planning, direction and control, and shed its executive functions, if any, which should be transferred to the Attached Departments.

(2) **Administrative Powers of Heads of Departments in respect of their staff.** The administrative powers indicated in the Annexure to this letter should be delegated to the Heads of Departments.

(3) **Heads of Departments to be responsible for technical soundness of their proposals.—** The Heads of Departments should be responsible for the technical soundness of their proposals which, as a rule, should not be subjected to any technical examination by the Ministry concerned.

(4) **Mode of submission of proposals by Departments and procedure for their examination in the Secretariat.—** To remove the complaint that proposals made by Heads of Departments are dealt with by junior officers in the Secretariat, the following procedure should be adopted :

(*i*) A case referred to the Ministry over the signature of the Head of a Department should be

placed before the Secretary or the Joint Secretary in the case of major Departments, or the Deputy Secretary in the case of minor Departments where the Head of the Department is of the approximate status of a Deputy Secretary.

The officer concerned should see whether he can pass orders on the reference straightaway. If it is considered that previous papers are needed, or examination is required at a lower level, instructions should be given accordingly, but the language of the criticism or the examination should invariably be polite.

(*ii*) It should be the duty of the Head of the Department to ensure that only those cases are submitted to Government in which he is not competent to pass orders himself.

(*iii*) Proposals from the Departments should be in the form of a self-contained summary which should state the facts of the case and the important points for decision, and contain specific recommendations.

2. Immediate action should kindly be taken by all Ministries concerned to implement the above decisions.

*3. As regards delegation of financial powers.........

(Establishment Division O. M. No. 7/59-S.O. VII, dated the 5th January 1960.)

ANNEXURE

Delegation of Administrative Powers to Heads of Departments

Class I Services/Posts :

1. Apart from first appointments and disciplinary measures, other administrative powers will be exercised by the Heads of Departments who should deal with all matters of postings, transfers, increments and leave, etc. except in the case of their deputies about whom references will be made to Government.

Class II Services/Posts :

2. Subject to the observance of general rules regulating the strength of the service, the method of recruitment (including consultation with the F.P.S.C., wherever required) and the conditions of service, the Heads of Departments will be the appointing authority in respect of all services/posts under his jurisdiction and exercise full powers in respect of their posting, transfer and discipline.

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*Pl. *See* para 1(8) of the M/Finance O.M. No. 1(5)-E.1/63 dated the 18th Nov. 1963.

*3. For purposes of promotion within the department, departmental promotion committees or selection committees will be set up and their composition approved by Government.

4. The requisite powers of issuing Gazette Notifications and authenticating Government orders for the purpose will be exercised by the Heads of Departments or by officers nominated by them.

5. There will be only one right of appeal against an order of a disciplinary nature. Where the original order has been passed by the Head of Department himself, the appeal will lie to Government.

Class III/ IV Services/Posts :

6. The Head of the Department will be the final authority in all matters subject to the provision of paragraph 5 above.

Powers under the Fundamental and Supplementary Rules :

7. The Heads of Departments will exercise the following powers under the Fundamental/Supplementary Rules :—

Relevant Rule	Power	Extent of Delegation
1	2	3
F.R.9(17) ..	To declare a Government servant to be a ministerial servant.	Full powers for Classes II and III only.
F.R. 10 ..	To dispense with a medical certificate of fitness, before appointment to Government service, in individual cases.	Full powers provided he is authorised to make appointments to the post.
F.R. 15 ..	To transfer a Government servant from one post to another.	Full powers except in the case of his deputy.
F.R. 24 ..	To withhold increments.	Full powers in respect of posts for which he is the appointing authority.
F.R. 26 ..	To allow Government servants to count extraordinary leave for increments.	Do.
F.R. 33 ..	To fix within certain limits the pay of Government servant officiating in a post the pay of which is personal.	Full powers.
F.R. 35 ..	To reduce the pay of an officiating Government servant.	Do.

*For further instructions on the subject of "Departmental Promotion Committees"—*See* Chap. XX, Section A(4), Vol. II.

1	2	3
F.R. 36 ..	To issue general or special orders allowing acting promotions to be made in the place of Government servants treated as on duty, under F.R. 9(6)(b).	Full powers.
S.R. 48-B (*ii*) ..	To sanction travel by air in machines of public transport companies regularly plying for hire.	Full powers in respect of Grade I Officers only in cases of urgency and necessity.
S.R. 59 ..	To prescribe a Government servant's headquarters.	Full powers except for his deputy.
S.R. 73 ..	To grant exemptions from rule limiting a halt on to ten days.	Full powers.
S.R. 75 ..	To allow the exchange of daily for mileage allowance for the whole period of absence from headquarters.	Do.
S.R. 89 ..	To permit the recovery of the actual cost of hiring of conveyance if admissible.	Do.
S.R. 211 ..	To authorise departure from supplementary Rule 211 regarding combination of holidays with leave and joining time.	Do.
S.R. 213 ..	To accept a certificate of fitness signed by any registered medical practitioner.	Do.
S.R. 233	To grant leave to Government servant in respect of whom a medical Committee has reported that there is no prospect that he will ever be fit to return to his duties.	Full powers except for his deputy.
S.R. 267 ..	To grant maternity leave.	Do.
S.R. 269 ..	To grant hospital leave.	Do.

Delegation of powers of appointment, punishment etc. in respect of Class II, Class III Services/Posts to Heads of Departments :

Sl. No. 2 :

As stated in the Annexure to the Establishment Division Office Memorandum No. 7/59-S.O. VII, dated the 5th January, 1960 (Sl. No. I) the Heads of Departments will be the appointing authority in respect of Class II Services and posts under their jurisdiction and will exercise full powers in respect of their posting, transfer and discipline. According to the undivided Government of India, Home Department Notification No. F.9/2/33-Estt., dated the 9th January, 1934 (reproduced in Chap. VII), delegations have been made under rules 34 and 53 of the Civil Services (Classification, Control and Appeal) Rules, to the Heads of Departments in respect of powers of appointment and punishment in regard to Class II services and posts. Whenever a new Class II service or post is created, a delegation of these powers is made by the Ministry concerned in consultation with the Establishment Division. Ministries are now requested kindly to examine with reference to each Class II service and post under them whether necessary delegations in respect of the above matters have already been made. If no such delegations exist in a particular case, it is requested that necessary action should now please be initiated to make delegations in the light of the present decision in consultation with the Establishment Division.

2. As regards Class III and Class IV services and posts, it is stated in the Annexure referred to above that Heads of Departments will be the final authority in all matters subject to the condition that where the original order of punishment has been passed by the Head of Department himself, an appeal will lie to Governm ent. In pursuance of the powers conferred by rules 44 and 54 of the Civil Services (Classification, Control and Appeal) Rules, the Central Government have promulgated Rules published in the undivided Government of India, Home Department Notification No. 9/10/30-Ests., dated the 27th February, 1932 (as amended) (reproduced in Chap. VII) providing for first appointment, discipline and appeal in respect of members of these services. Under the said Notification, appointing, punishing and appellate authorities have been specified in the schedule to the said Notification in respect of different Class III and Class IV services. Further, rule 2 of the said rules lays down that without prejudice to the provision of any law for the time being in force, all first appointments to Class III and Class IV services not included in the schedule shall be made by the Heads of the offices. These rules are thus in line with the present decision. Ministries/Divisions are requested to review the position in respect of each individual service or post in Classes III and IV in the Departments under their administrative control, and if any discrepancy is noticed, to remove it and to bring the position in line with the present decision in consultation with the Establishment Division.

(Establishment Division O. M. No. 1/1/60-E.V. dated the 21st March 1960)

Clarification regarding powers of appointment, confirmation etc. delegated to Heads of Departments in respect of Class III and Class IV Services/Posts

Sl. No. 3 :

In accordance with paragraph 6 of the Annexure to Establishment Division Office Memorandum No. 7/59-S.O. VII, dated the 5th January, 1960, the Heads of Department will be the final authority in all matters subject to the provision of paragraph 5 of the Annexure, in respect of Class III and IV services/posts. A question has arisen as to what extent the Heads of Departments can exercise the powers relating to recruitment/promotion/confirmation of officials belonging to Class III and IV services under them. The position is that the Heads of Departments are still required to observe the prescribed method of recruitment and can confirm only those who have been recruited in accordance with the rules and are eligible for permanent retention. In other words they can exercise the powers delegated to them under para. 6 of the Annexure, subject to the observance of the normal rules and orders applicable to the service/post. It will be very much appreciated if these instructions are brought to the notice of the Heads of Departments.

* (Establishment Division Office Memo. No. 11/14/60—XV, dated the 31st October, 1960).

CHAPTER II

APPEALS, PETITIONS, MEMORIALS AND REPRESENTATIONS ON SERVICE MATTERS

CONTENTS

APPEALS, PETITIONS, MEMORIALS AND REPRESENTATIONS ON SERVICE MATTERS

SECTION A

APPEALS

The rules purported to be made under clause 3(b) of Article 182 of the 1956 Constitution [read with Article 234 (1) of the new Constitution] are the Civil Services (Classification, Control and Appeal) Rules. Part XIII of the said Rules specify, the circumstances in which appeals lie, the authorities to whom they lie, the manner of submission of such appeals, and the circumstances under which the appeals can be withheld. However, in disciplinary matters or matters covered by the Government Servants (Efficiency and Discipline) Rules, 1960, the right of appeal is subject to the proviso in Rule 13 of the said Rules.

Appellate authority in respect of Class II Central Government servants

Sl. No. 1 :

A question has arisen as to whether the President or the Minister-in-Charge shall be the proper authority to exercise appellate powers under Rule 58(2) of the Civil Services (Classification, Control and Appeal) Rules (Annex.), in respect of Class II Central Government servants, from the commencement of the new Constitution. The matter has been examined in this Division in consultation with the Law Division. The correct legal position is explained below.

2. According to the provisions of Rule 58(2) of the Civil Services (Classification, Control and Appeal) Rules, such appeals are to be disposed of under orders of the authority which made the rules relating to the terms and conditions of service of such Government servants. As the President (and not the Minister-in-Charge) is the rule-making authority in respect of such Government servants, appeals from them are also required to be submitted to the President for orders. *[......] This being the present constitutional position, the legal and procedural position set forth in this Division Office Memorandum No. *27/20/52-SEII, dated the 1st July, 1952, stands substantially changed.

3. All Ministries/Divisions etc. are requested to bring the above position to the notice of all concerned under their administrative control for information and guidance.

(Establishment Division Memo. No. 2/17/63-D. I, dated the 15th May, 1963* as amended by Memo. of same number, dated the 18th October 1963)

*Reproduced at page 181, Vol. III, Estt. Manual.

Annexure

C.S. (C.C.A.) R. 58 (I) Every member of a service *[.........] shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority subordinate to the said authority which—

(a) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, or

(b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.

(2) The authority hereinbefore referred to shall be the authority which made the rule to which the order under appeal relates, or in the case of an appeal relating to a contract of service, the authority which appointed the appellant : Provided that where the rule or the appointment was made by the Local Government of a Governor's Province the appeal shall lie to the Governor.

(3) Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

(4) A member of a Central Service Class III or Central Service Class IV may appeal to such authority as may be prescribed by the Central Government or by any authority authorised by the Central Government.*

*(Estt. Divn. Notifications No. S.R.O. 4(K)/62 dt. 96-12-61.)

Sl. No. 2 :

REFERENCE :— *Estt. Divn. O.M. No. 2/17/63-DI, dated the 15th May 1963.*

A further question needs clarification is whether the reference to the President as the appellate authority as contained therein should be limited to the appeals under rule 58(2) of the Civil Services (Classification, Control and Appeal) Rules or it should be extended to all appeals from Class II Central Government servants. The point has been examined in consultation with the Law Division and it has been held that, where the President is the rule-making authority, he is the appellate authority in respect of only those appeals of Class II Central Government servants (both gazetted and non-gazetted) as are filed under rule 58(2) of the Civil Services (Classification, Control and Appeal) Rules. In other words, the appellate authority in respect of appeals filed by Class II Central Government servants under other provisions of the Civil Services (Classification, Control and Appeal) Rules would be as provided under the relevant provisions of the Service Rules and not necessarily the President.

2. It has also been decided in consultation with the Law Division that paragraph 3 of this Division circular under reference (*i.e.* Office Memorandum No. 2/17/63-DI, dated the 15th of May, 1963) should be omitted from that Office Memorandum except that the last sentence of that paragraph should be deemed to have constituted the last sentence of paragraph 2 thereof.

3. All Ministries/Divisions etc., are requested to bring the above modified position to the notice of all concerned under their administrative control for information and guidance.

(Establishment Division Office Memorandum No. 2/7/63-D.I. dated the 18th October, 1963.)

Appellate authority in respects of Class III & VI Government servants of Attached and Subordinate Offices.

Sl. No. 3 :

A question arose whether there was any provision for second appeal to the administrative Ministries/Divisions concerned by Class III and Class IV Government servants of the Attached and Subordinate Offices, against the decision of the appellate authorities including the Heads of those Offices. The question has been examined in this Division in consultation with the Law Division and it has been held that there was no provision for any second appeal against the orders of the appellate authority, on any grounds whatsoever. In case however, an appellant had really any point to make against the orders of the appellate authority it was for him to consider if he should seek redress under the Petitions Instructions.

(Establishment Division Office Memorandum No. 2/21/63/D.I. dated the 23rd September, 1963)

SECTION B

PETITIONS, MEMORIALS ETC. TO THE PRESIDENT

Instructions for the submission, receipt and transmission of petitions on service matters to the President.

Sl. No. 4 :

The following instructions for the submission receipt and transmission of petitions to the President are published for general information, in supersession of all previous orders on the subject :—

PART I

PRELIMINARY

1. Definitions—In these instructions :—

(1) "Provincial Government" includes the authorities mentioned in the Schedule to these instructons ; and

(2) "Petition" includes memorials, letters and applications of the nature of petitions.

2. Scope of Instructions :—

(1) Save as hereinafter provided, these instructons shall apply, so far as may be, to all petitions addressed to the President by persons who are, or have been, members of an All Pakistan Service or of a Civil service of the Centre or who hold, or have held, a civil post in connection with the affairs of the Centre or a civil post where appointment is made by, or with the approval of the President, in respect of matters arising out of such employment or in respect of termination of such employment.

(2) Notwithstanding anything contained in clause (1), these instructions shall not apply to persons who are, or have been, civilian employees in the Defence Services, nor shall they affect any rules or orders made by competent authority in respect of representations submitted by recognised associations of Government servants.

PART II

FORMS AND MANNER OF SUBMISSION OF PETITIONS

3. Form of petition :—

(1) A petition may be either in typescript or in print.

(2) Every petition shall be authenticated by the signature of the petitioner, and submitted by the petitioner in his own behalf.

(3) Every petition, and the documents accompanying it, shall be in English or accompanied by a translation into English.

4. Contents of Petition :—

Every petition shall—

(1) contain all material statements and arguments relied upon by the petitioner ;

(2) be complete in itself ;

(3) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in that case passed by a subordinate authority ; and

(4) end with a specific prayer.

5. Method of submission :—

(1) Every petition shall be submitted through—

(*a*) the Provincial Government mentioned in the Schedule in respect of the petitioner ; or

(*b*) if no Provincial Government is mentioned in the Schedule in respect of the petitioner, the Provincial Government of the Province in which the petitioner is or has last been residing or employed, and shall be accompanied by a letter requesting the Provincial Government to transmit the petition to the President.

(2) If there is no Provincial Government within the meaning of cla use (1), the petition shall be submitted to the President direct.

6. (1) Every petition shall be submitted through the superiors under whom the petitioner is serving, or if he has left the service, under whom he last served before leaving.

(2) The superiors, on receipt of any petition submitted thrugh them in accordance with clause (1), shall forward the petition through the proper official channel to the authority provided in paragraph 5.

PART III

WITHHOLDING OF PETITIONS BY THE PROVINCIAL GOVERNMENTS

7. Circumstances in which petitions may be withheld :—

The Provincial Government may, at discretion, withhold a petition when :—

(1) the petitioner has not complied in full with the provisions of Part II of these instructions ;

(2) the petition is illegible or unintelligible or contained

language which is, in the opinion of the Provincial Government, disloyal, disrespectful or improper ;

(3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petitioner, in the opinion of the Provincial Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ;

(4) the petition is a representation against a decision which is declared to be final by any law or statutory rules ;

(5) the petition is :—

(*a*) an application for employment in Government service not made in pursuance of any rule or announcement regarding applications for such employment ; or

(*b*) a request for exemption from the provisons of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment ;

(6) the petition relates to a subject on which the Provincial Government is competent to pass orders, and no application for redress has been made to the Provincial Government by the petitioner ;

(7) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given ;

(8) the petition is a representation against a failure to exercise a discretion vested in the Provincial Government :

Provided that no petition which is a representation against such failure and is submitted by an officer appointed by the President or by an Officer appointed substantively to a listed post, shall be withheld ;

(9) the petition is a representation against the discharge of a person—

(*a*) appointed on probation, during such probation ;

(*b*) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment, or

(*c*) engaged under contract, in accordance with the terms of such contract ;

(10) the petition is a representation against the reduction

to a lower post of a person promoted to a post on probation, during such probation ;

(11) the petition is a representation against an order—

(*a*) from which the petitioner has exercised, or possesses a right of appeal under—

(*i*) rules or orders regulating his conditions of service, or

(*ii*) the terms of his contract of service ;

(*b*) passed by any authority in the exercise of appellate or revisional powers conferred by any rule or order regulating his conditions of service or by any term of his contract of service such as is referred to in sub-clause (*a*) ; or

(*c*) from which, not being an order of punishment passed by the President on an officer appointed by the President, an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (*a*) ;

(12) the petition is a representation relating to :—

(*a*) the application of—

(*i*) rules or orders made by the President ; or

(*ii*) the terms of the contract of service of the petitioner ; or

(*b*) an order of the Provincial Government refusing to grant or to recommend—

(*i*) a special pension,

(*ii*) a compassionate pension ; or

(*iii*) any pecuniary or other concession to which the petitioner is not entitled under any law or statutory rule :

Provided that no petition which is a representation relating to the application of the rules, orders or terms of the contract of service referred to in sub-clause (*a*) or to an order referred to in sub-clause (*b*), and is submitted by an officer appointed by the President or by an officer appointed substantively to a listed post, shall be withheld ;

(13) the petition is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (*a*) of clause (11) with regard to the prospective claim of the petitioner to pension ;

(14) the petition is a representation against the withholding of the petition by an authority competent to do so ; or

(15) the petition is submitted by a member of an All-Pakistan Service serving in connection with the affairs of a Province, against the orders of the Provincial Governor in matters relating to transfer, promotion etc., on which he is competent to pass orders.

8. Petitioner to be informed when petition is withheld.—

The Provincial Government shall, when it withholds a petition under paragraph 7, inform the petitioner of the withholding and the reason therefor.

9. List of petitions withheld.—

(1) The Provincial Government shall send a quarterly return to the President in the months of January, April, July and October each year, specifying all petitions from officers serving under, or under the rule-making control of the authority or an authority subordinate thereto withheld under paragraph 7 and the reasons for withholding them.

(2) The President may call for any petition specified in the quarterly return mentioned in clause (1), together with full facts of and all the papers relevant to the case to which the petition relates.

PART IV

TRANSMISSION OF PETITIONS BY THE PROVINCIAL GOVERNMENT

10. *ProcedureforTransmission.*—The Provincial Government shall transmit within two months of receipt, all petitions not withheld under paragraph 7, together with a concise statement of facts material thereto, to the Cabinet Secretariat (Establishment Dvision), Government of Pakistan. The Provincial Government shall also express its opinion on the petition while transmitting it, unless there are special reasons to the contrary. If, in any case the Provincial Government is unable to transmit the petition within the specified period, a report to that effect, with reasons for the delay and an estimate of any further time required, shall be fourthwith submitted to the Cabinet Secretariat (Establishment Division), Government of Pakistan.

11. *Submission to the President.*—When a petition is transmitted in accordance with paragraph 10, the Cabinet Secretariat (Establishment Division), Government of Pakistan, shall submit the petition and other papers received therewith, together with an expression of its own opinion on the petition, to the President for orders.

12. Notwithstanding anything contained in paragraph 11, if the Provincial Government, while transmitting a petition in accordance with paragraph 10, recommends its acceptance and the Cabinet Secretariat (Establishment Division), Government of Pakistan, agrees that the petition should be accepted, that Secretariat shall return the petition to the Provincial Government for issue of an order in accordance with its own and the Provincial Government's agreed opinion.

Schedule

LIST OF AUTHORITIES INCLUDED IN THE TERM "PROVINCIAL GOVERNMENT"

[*See* paragraph 1(1).]

1. The Provincial Governments.

2. Secretaries of Ministries/Divisions under the Government of Pakistan, or Joint Secretary where there is no Secretary.

3. Heads of departments of the status of Secretary to the Government of Pakistan, in respect of the non-gazetted staff working under their administrative control.

(Cabinet Secretariat, Establishment Division Notification No. S.R.O. 1313 (K)/67, dated the 27th July, 1967.)

Endorsement No. 12/3/57-F.I., dated the 27th July, 1967.

Copy forwarded to the Provincial Governments, all Ministries and Divisions etc. of the Government of Pakistan, Secretary to the President and the Central Public Service Commission.

The quarterly returns prescribed in paragraph 9(1) will be transmitted to the President's Secretariat (Public), President's House, Rawalpindi, a copy being endorsed to the Cabinet Secretariat (Establishment Division), Government of Pakistan, Rawalpindi.

Bar against transmission to the Establishment Div. of petitions which are liable to be withheld.

Sl. No. 5:

Instances have come to notice in which petitions which do not either conform to the provisions of Part II of the Petition Insutrctions or which do not lie under rule 7, and should be withheld, are often transmitted to the Establishment Division for submission to the President. In such cases a Ministry/ Division concerned is advised to withhold the petition and inform the petitioner accordingly. This creates an anomalous position in that the discretion to withhold a petition rests with the Provincial Government as defined in the Petition Instructions and once a petition has been transmitted to the Establishment Division that discretion has been exercised and it should be submitted for the orders of the President which may not be justified in the circumstances of the case.

2. All Ministries/Divisions are, therefore requested to exercise greatest care to see whether in any case a petition to the President lies or not and only such petitions should be trans-

mitted to the Establishment Division as strictly conform to the provision of Petition Instructions, and should not be withheld under rule 7/ibid.

(Establishment Division O.M. No. 1/5/64-D. II, dated the 7th March, 1964.)

Procedure for with holding petitions of C.S.P., GAR and PSP Officer.

Sl. No. 6 :

It has been decided that the following procedure should be adopted in future for withholding petitions submitted by CSP, GAR and PSP Officers :

(*a*) The Provincial Government should exercise the power of withholding of peitions addressed to the President by the members of All Pakistan Services and the GAR if these relate to matters arising out of promotions or transfers within the Province, except in the cases covered by the Establishment Division letter No. F. 2(36)/60-EIX, dated the 24th April, 1960 [c. f. Section A(4), Chap. V] relating to appointments/promotions to the rank of Commissioner and above.

(*b*) All other petitions addressed by such officers to the President should be forwarded to the Central Government and the Establishment Division will act as Provincial Government within the meaning of para 7 of the Petition Instructions in respect of these petitions submitted by CSP, GAR and PSP Officers.

(Establishment Division etter No. 1/13/58-D. II, dated the 24th May, 1963.)

Procedure for disposal of Petitions of screened out personnel.

Sl. No. 7 :

The question as to how the petitions submitted by screened out personnel should be disposed of, has been considered, and it has been decided that all petitions against screening orders should normally be withheld under the Petition Instructions unless in any individual case it is manifested that a grave injustice and serious irregularity has been committed in which case the petition received may be dealt with under the general orders relating to petitions.

(Establishment Division Office Memorandum No. 1/10/63-DII, dated the 15th June, 1963).

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SECTION C

GENERAL INSTRUCTIONS RELATING TO APPEALS. PETITIONS AND REPRESENTATIONS ON SERVICE MATTERS

Bar against the submission of advance copies of representations by Government servants.

Sl. No. 8 :

The Honourable the Prime Minister has from time to time received advance copies of representations submitted by Government servants to their superior officers. This practice is undesirable and contrary to accepted procedure. The authorities to whom and the circumstances in which appeals lie are specified in the Civil Services (Classification, Control and Appeal) Rules, and an aggrieved Government servant who is not satisfied with the orders passed on an appeal preferred by him has the right to submit a petition or memoralise to the Governor-General, *vide* the Petition Instructions. All officers and staff should be informed that no advance copies of representations should be sent to the Honourable the Prime Minister.

2. At the same time, the attention of all authorities is drawn to the circumstances, in which petitions or memorials can be withheld, and, in order that the Honourable the Prime Minister can satisfy himself that there has been no misuse of the power of withholding, the provisions of paras. 8—10 of the Petition Instructions should be carefully observed.

3. [....Omitted....]

(Establishment Division Office Memorandum No. F. 7/49/Ests. SEI, dated the 26th February, 1949.)

Sl. No. 9 :

There is at present no bar to the submission of advance copies of representations by Government servants, except in the case of the Hon'ble the Prime Minister to whom advance copies of representations may not be submitted, *vide* Estt. Division Office Memorandum No. 7/49-Ests. (SEI), dated February 26, 1949.

2. The practice of submitting advance copies of representations is, however, objectionable from the point of view of discipline and wasteful of time, and when action is taken by more than one officer on such representations, may lead to confusion. It is, therefore, requested that every effort should be made to discourage this practice and that officers to whom the original is not addressed should destroy copies received by them without action.

(Establishment Division Office Memorandum No. 7/7/51-SEI, dated the 3rd May, 1951.)

Note.—All references to H.E. the Governor General & Honourable the Prime-Minister, shall in the present context, mean references to the President.

Proper procedure for submission of representation by Government servants.

Sl. No. 10 :

It has been observed that members of the staff in the various Ministries, Attached and Subordinate Departments, send appeals, petitions and representations direct to officers higher than those prescribed under rules to receive such appeals, etc. It has also been observed that such representations, etc., are also sent direct to H. E. the Governor General and the Hon'ble the Prime Minister without any authority. Since the authorities to whom and the circumstances in which appeals lie are specified in the Civil Service (Classification, Control and Appeal) Rules, it is essential that appeals, etc., should be submitted through the prescribed authorities. The authorities through whom petitions and Memorials should be submitted are prescribed in the Petitions and Memorial Instructions.................................... The practice of sending appeals, etc., to authorities other than those prescribed under rules is objectionable and also subversive of discipline. The members of staff in the Ministry of Finance, etc., may please be informed that every appeal, etc., should be submitted only to the officers concerned through the proper channels and not to those who are not concerned with such appeals or to officials higher than those prescribed under the rules. They may further be informed that the submission of appeals and petitions to officers and authorities who are not concerned with them will be regarded as a breach of discipline, in respect of which disciplinary action can be taken.

(Establishment Division Office Memorandum No. 7/10/50-SE, dated the 27th November, 1950.)

Sl. No. 11 :

According to the existing instructions a petition, memorial or a representation should be submitted by a Government servant in his own behalf only. An implication of these instructions is that joint representations cannot be made to the Government. It has been observed that some Government servants have submitted representations in contravention of the spirit of these instructions in that they have individually signed copies of petitions containing the same text. Government is of the view that although these petitions are signed and sent separately, they are in effect tantamount to joint representations. No action can, therefore, be taken on such representations.

2. The correct procedure is that if any category of Government servants have a grievance of a common nature, they should bring the matter to the notice of the head of the Department concerned so that he may take such action as may be necessary in the circumstances of the case.

3. Ministries/Divisions are requested to advise officers and members of the staff under their control to keep these instructions in mind while making representations in respect of a common grievance. As joint representations are not permitted, a breach of these instructions will amount to an act of indiscipline.

(Establishment Division O.M. No. 3/1/67-D. II, dated the 18th February, 1967.)

Speedy disposal of representations, appeals, etc., of Government servants.

Sl. No. 12 :

It has been brought to the notice of the Establishment Division that disposal of representations, appeals, etc. of Government servants is often inordinately delayed with the result that Government servants are suffering from a feeling of frustration which is one of the major causes of inefficiency in Government offices. It is, therefore, suggested that henceforth such cases should be disposed of by the Ministries/Divisions concerned within three months of their submission failing which the Establishment Division should be informed by a monthly return showing :—

(*a*) Date of receipt ;

(*b*) Particulars of case including point at issue ; and

(*c*) Reasons for the delay.

2. The Establishment Division will then examine the reasons and will help the Ministry concerned effectively to dispose of the cases expeditiously by advising, if necessary, on any intricate service matter. The monthly return should reach the Establishment Division not later than 7th of the month and the first return should be submitted by the 7th of January 1959.

(Establishment Division Office Memorandum No. 3/87/58-SEII, dated the 16th December, 1958.)

Sl. No. 13 :

The "representations" under Establishment Division Office Memorandum No. 3/87/58-SEII, dated the 16th December, 1958 mean all types of representations, such as simple representation, appeal and petition. The object being that there should be no delay in the disposal of personal matters of Government servants which may cause any frustration among them.

(Establishment Division Office Memorandum No. 3/87/58-SE II, dated the 1st July, 1959.)

CHAPTER III

APPOINTMENTS, RESIGNATIONS, TERMINATION OF SERVICES AND DESERTION FROM DUTY

CONTENTS

APPOINTMENTS, RESIGNATIONS TERMINATION OF SERVICES AND DESERTION FROM DUTY

SECTION A

APPOINTMENTS

Procedure for making appointments on a temporary or officiating basis or on probation :

Sl. No. 1 :

Cases have occurred in which appointments made or intended to be made in an officiating capacity or on probation or on a provisional basis have not been notified in the proper terms and the question has, therefore, been considered by the Establishment Division in consultation with Law Division. The following instructions are issued for the guidance of all concerned.

2. It is essential that the nature of an appointment should be clearly indicated in the order making the appointment and in the notification where the appointment is made to a gazetted post *[If the order of appointment is made in terms of an officiating appointment and no period for which it is made is specified, the implication will be that the person concerned will continue to officiate indefinitely and his subsequent reversion from it may amount to ' reduction ' within the meaning of rules 49 and 55 of the Civil Services (Classification, Control and Appeal) Rules and Section 240(3) of the Government of India, Act, 1935.*]

3. Similarly, if a person is appointed to officiate on a provisional basis, pending the examination of claims of other possible candidates, or for other reasons, it is necessary that this should be clearly set out in the orders of appointment, so that if the arrangement has to be altered subsequently, there should be no legal bar to the change.

4. Where the appointment is on probation, this should be clearly stated in the order, along with the probationary period in clear terms. This period will vary according to the nature of the posts, and should be judiciously fixed, but once fixed, it should be rigidly adhered to. In other words, the question whether the probationer's services are to be terminated, or his period of probation is to be extended in accordance with the order of appointment, or he is to be confirmed in his appointment should be examined and decided sufficiently in advance of the completion of

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*For revised instructions pl. see, Estt., Div., O.M. No. 3/27/52-E.V.), dated the 10th June, 1960 (Sl. No. 2).

the current period of probation. This will avoid creating false impression that, if the period of probation is completed without any orders being passed, the probationer's service must necessarily have been accepted as satisfactory and justifying confirmation, and this has been made quite clear in the form of words provided for a probationary appointment in para 5 below. The retention of such persons on probation after the completion of the maximum term of probation provided in the appointment order is most undesirable, and will be tolerated only in the most exceptional circumstances, *e.g.*, where it is absolutely essential to keep the post filled and a substitute is not available.

5. Unless, therefore, it has been decided that the officer should in due course be confirmed in the post to which he is appointed in an officiating capacity, the order of appointment should invariably indicate that it is only for a limited period and the officer is liable to be reverted to his substantive appointment. In order that there should be no room for doubt as to the intentions of Government, and to ensure that the orders of appointment are made and notified in appropriate form, all such appointments should be made and notified in the following terms :—

(*i*) Mr......................is appointed to officiate as....................*vice Mr.................. granted leave or until further orders

(*ii*) *on probation for a period of.............months extensible by order either before or after its termination, by a further period not exceeding.............. months, provided that, if no order has been made by the day following the termination of either of the aforementioned probationary periods, the appointment shall be deemed to be held until further orders.

6. All orders passed and the notifications issued on or after 15th August, 1947 should be examined in the light of the above instructions and amended, where necessary, in consultation with the Establishment Division.

(Establishment Division Office Memorandum No. 13/10/49-Ests. (SE.), dated the 10th November 1949 as amended *vide* Office Memorandum of even number, dated the 6th October, 1950.)

Clarification of the term "until further orders".

Sl. No. 2 :

In paragraph 2 of the Establishment Division Office Memorandum No. 13/10/49-Ests. (SE), dated the 10th November, 1949 (Sl. No. 1) it was laid down that in cases where an officiating appointment is made for an indefinite period, the implication would be that the person concerned would continue to officiate, indefinitely, and that his subsequent reversion would amount to 'reduction in rank' within the meaning of rules 49 and 55 of the Civil Services (Classification, Control and Appeal) Rules and Section 240(3) of the Government of India Act, 1935. A proforma in the

*Delete whichever are not applicable.

following form was also prescribed for notifying appointments on a temporary or officiating basis or on probation :

" Mr..........................is appointed to officiate as.................... *vice Mr.................... granted leave or until further orders.

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* on probation for a period of......................

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* until further orders.

The above proforma in regard to probation was later replaced by the following *vide* the Establishment Division Office Memorandum No. 13/10/49-Ests. (SE), dated the 6th October 1950

> on probation for a period....................months extensible by order either before or after its termination, by a further period not exceeding................ months provided that, if no order has been made by the day following the termination of either of the aforementioned probationary periods, the appointment shall be deemed to be held until further orders.

2. The above formula was adopted on the advice of the Ministry of Law. However, as enquiries have been received from Ministries from time to time in regard to the correct interpretation of the words ' until further orders ', the matter has again been carefully considered in consultation with the Ministry of Law, and it has been held that when an officer is expressly appointed in an officiating capacity for an indefinite period or until further orders ', the Government can at any time terminate his officiating appointment and revert him to his original post, even if such reversion may amount to a review of the earlier order. It has further been held that such reversion will not constitute ' reduction in rank ' and will not attract the provisions of either Article 181 of the late Constitution or of the Government Servants (Efficiency and Discipline) Rules, 1960. This interpretation of the expression ' until further orders ' is based on judicial decisions.

3. The formula ' until further orders ' can thus be made use of in making appointments of the following types. The appointments so made will preserve Government's power to revert the Government servant concerned without causing further consequences :

(*a*) Purely temporary appointments where the Government servant concerned has no prospects of confirmation ;

(*b*) Appointments which continue for an indefinite period and where there is possibility of the Government servant being confirmed at a later date ; and

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*Delete whichever is not appliacable.

(*c*) Appointments which are intended to be regular from the very beginning and where there is no intention whatsoever of terminating the service of the Government servant concerned.

(Establishment Division Office Memorandum No. 3/27/52-E. V., dated the 10th June, 1960.)

Appointments against higher tenure posts.

Sl. No. 3 :

The Government of Pakistan have decided that it should be brought home once more to all concerned that the higher tenure posts at the Centre (as well as in the Provinces) are selection posts which no officer can claim as of right.

(Establishment Division letter No. F. 2(36)/60-E. IX, dated the 24th April, 1960.)

Procedure for notifying appointments against tenure posts.

Sl. No. 4 :

It has been decided, with the approval of the Prime Minister, that in future all appointments against tenure posts should be made on an officiating basis and it should be made clear in the order that the appointment does not imply that the incumbent shall stay in the post for the full term of the tenure. All the Ministries/Divisions are, therefore, requested to issue appointment orders against tenure posts in the form shown below :—

" Mr.........................is appointed to officiate as................, until further orders ".

(Establishment Division O. M. No. 2(13)/58-SE. III, dated the 18th June, 1958.)

Periods of tenure of Central Sectt. posts except the Economic Pool.

**Sl. No.* 5 :

The late Government of India decided, so far back as 1937, that the system of uncoordinated indents on Provinces by Departments of the Central Government for I. C. S. Officers was unsatisfactory to both Centre and Provinces. They therefore discontinued all direct correspondence between Departments and Provinces and appointed a whole-time officer to handle establishment matters on their behalf.

2. After Independence, the Government of Pakistan decided to follow the same system. With this object in mind they set up a Central Selection Board ; a copy of the relevant orders are contained in the Establishment Division Office Memorandum

*This letter has been reproduced for reference purposes. Some of its contents are now out-of date.

No. F. 33/1/47-Est. (SE.I), dated the 29th January, 1948 (reproduced in Vol. II, Chapter XX)..

*[Omitted.]

Owing to shortage of officers, these orders were not strictly followed ; but with the appointment of whole-time Establishment Secretary it will be desirable to do so. The principal duties of the Establishment Secretary have been defined as follows :—

(i) To keep himself fully informed of possible recruits to the posts of Under Secretary, etc. at the Centre ;

(ii) To keep in close touch with Provincial Governments through their Chief Secretaries, preferably by visiting their headquarters and interviewing possible recruits ;

(iii) To conduct all correspondence with the Provinces about the selection and posting of officers of the C. S. P., Listed Post holders and G. A. R. Officers in connection with appointments in the Central Secretariat ;

(iv) To maintain full records of officers for the periods of their service at the Centre ;

(v) To maintain similar records about officers on whose services the Government of Pakistan wish to retain a lien during their periods of service in the Provinces or in Central posts outside the Secretariat ;

(vi) To obtain, from Provincial Governments and Heads of the Central Services and Ministries concerned, information concerning suitable candidates for appointment to the Finance and Commerce Pool ;

(vii) To maintain Confidential Reports of prospective or actual Pool Officers ;

(viii) To make suggestions for postings and for the general management of the Pool ;

(ix) To make recommendations to the Establishment Committee mentioned in Resolution No. F. 25/2/48-Est. (SEI), dated the 8th November, 1950, published in the *Gazette of Pakistan* relating to the constitution of the

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*For Complete set of orders on the subject of "Central Selection Board", pl. *see* Chap. XX, Vol. II.

Finance and Commerce Pool, for the inclusion of names of non-Pool Officers in the Special Pool List. (Pl. *see* Note below).

3. The orders of Government are being sought regarding the length of tenure of posts in the Central Secretariat, and the system of 'ear-marking' of officers for return to the Centre ; and the Provinces will be addressed to about this in due course.

4. Meanwhile, this is to stress the importance which the Government of Pakistan attach to a planned interchange of officers from all Provinces to all Ministries at the Centre except those which will be staffed exclusively from the Pool (when the flow of recruits has sufficiently filled it) and *vice versa*. They are conscious that, in the difficult period since Independence, they have sometimes had to press the Provinces, themselves understaffed, to spare officers at short notice and without sending replacements and they gratefully recognise the cooperation which they have received from Provinces. Initial postings had to be made on an emergency basis and officers with specialised knowledge retained in particular posts. A number of officers at the Centre will however, shortly have completed their normal tenure and be ripe for posting to Provinces ; and it is hoped to be able to adjust marked inequalities of cadre in the next few months.

5. The centralization of the Civil Service of Pakistan, with its system of planned service in both wings of Pakistan for new entrants, makes it particularly important that postings should be coordinated in the Establishment Division and the Central Government feel sure that they may rely on the full cooperation of Provincial Governments in this. It will be appreciated that it is not always possible, in planning transfers, to make a replacement immediately available ; and if protracted correspondence is necessary over individual moves, it will greatly add to the task of the Establishment Secretary. The conception of the Establishment Division of this role is to act as the completely impartial arbiter of the needs of different Ministries and Provinces and, in supplying C.S.P. and Listed Posts Officers to the Centre, to make a strictly equitable demand on Provinces. While the acute shortage of officers in some Provinces is recognised , it is hoped that the importance will be appreciated of an adequate representation at the Centre of those Provinces which are at present under-represented there. Cadre shortage are a temporary difficulty which will quite soon be overcome, if Provinces do everything possible to prepare junior C. S. P. Officers for early promotion to superior posts; but failure to supply to the Centre officers who can bring to it knowledge of conditions in a particular Province and of its needs will, in the long run, handicap a Province worse than the temporary inconvenience of losing a useful officer.

(Establishment Secretary's d.o. letter No. F. 7(3)-EO/51, dated the 13th February, 1951).

Note:—For Complete set of Govt. orders regarding "Economic Pool" pl. *see* Chapter X, Vol. I.

Sl. No. 6 :

REFERENCE:—*Para.* 3 *of Establishment Secretary's d.o. letter No. F.7(3)-EO/*51, *dated the* 13*th February,* 1951 (*Sl. No.* 5).

It has been decided by the Government of Pakistan that the periods of tenure of various Secretariat posts except Economic Pool posts shall be as follows :—

Under Secretary ..	3 years with compulsory posting to a Province thereafter.
Deputy Secretary ..	4 years with compulsory posting to a Province thereafter.
Joint Secretary ..	4 years normally followed by posting to a Province.
Secretary	5 years (in exceptional cases a second tenure of an extension for a smaller period may be granted). The tenure will be followed by posting to a Province.

2. *[An officer who may have been promoted from one of the above posts to another during his tenure of the former post or on its completion will nevertheless be liable to posting to a Province on completion of the tenure of the earlier post held by him.]

3. **Services to whom tenure rules apply.** The above periods of tenure will count from the 15th August, 1947 or from the dates of appointment, if later and will apply to the officers of the Armed Forces and All-Pakistan Services and to Pakistan Class I Central and Provincial Services other than officers of the General Administrative Reserve, Central Secretariat Service and contract officers.

4. It has also been decided, following the practice before Independence, that whenever an officer leaves the Central for a Provincial Government, the Selection Board of the Central Government should be consulted whether or not he had proved suitable as a Secretariat Officer for employment at the Centre. The decision to earmark should not be communicated to him but only to the Provincial Government to whom he is deputed, and shall be treated as confidential.

5. All references to posting to a Province shall, in the case of the Ministry of Foreign Affairs, mean posting to a Foreign Mission.

6. It is requested that all officers of the Civil Service of Pakistan and the Service Associations of other officers concerned may be informed of this decision.

(Establishment Division Letter No. 33/7/49-SE.I., dated the 5th December, 1951 substituting letter of same number, dated the 21st June, 1951).

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*Pl. *see* revised order *vide* Estt. Div. O.M. dated the 29th August, 1962. S l. No. 9)

Sl. No. 7 :

REFERENCE:—*Establishment Secretary's d.o. letter No.* 33/ 7/49-*SEI, dated the* 5*th December*, 1951.

Clarification has been sought regarding the application of the tenure orders to the various categories of officers. There are the following cases :—

(i) Those appointed to Secretariat posts straightaway who throughout remained in the Secretariat ;

(ii) Those first appointed as Officers on Special Duty in the Secretariat and later appointed to posts of Under Secretary, etc. ;

(iii) Those posted outside the Secretariat, *e.g.*, as Heads of Departments or to posts in Attached Departments, etc. after having served in a Secretariat post and before the expiry of the period of its tenure ;

(iv) Those first appointed to posts in Attached Departments etc. and later transferred to Secretariat posts ;

(v) Those throughout posted to Attached Departments or Subordinate Offices under the Central Government.

The Government of Pakistan have considered these questions and the following decisions have been taken :—

Category :

(i) The tenure orders apply.

(ii) The periods spent as O. S. D. in the Secretariat, followed by appointment to Secretariat posts proper will count as part of the tenure period.

(iii) The tenure orders will not apply; the period of tenure will begin to count from the date of appointment to the Secretariat posts.

(iv) The present tenure orders will not apply ; but Ministries concerned are advised to consider declaring posts in Attached and Subordinate Offices as tenure posts or otherwise.

*3. The case of the officers of category (iii) in paragraph 1 above is still under consideration, and orders will follow.

4. At times, tenure in a Secretariat post is interrupted by leave, deputation, etc.; and the question how such periods should be treated has also been considered. It has been decided that periods spent on probation as an Attache, or on leave, but not on deputation, shall be regarded as part of the period of tenure. (*Please* see *revised orders, dated the* 29*th August*, 1962).

*Pl. *see* Estt. Div. letter No. 40/72/51-SEI, dated the 4th March, 1953.

5. Posts in the Ministry of Law call for special consideration. The orders issued by the late Government of India in 1938 provided as follows :—

(a) The tenure of Deputy Secretaries shall be 4 years. A Deputy Secretary in the Legislative Department shall, however, be eligible for re-appointment for any number of further period of 4 years, subject to the superannuation limit.

(b) The posts of Additional Secretary and Draftsman in the Legislative Department shall not be tenure posts.

It will be seen from the above that, substantially, the Legislative Department was excluded from the tenure rules, except for the post of Secretary. In Pakistan, the position is somewhat different. There is not, as was the case in the former I.C.S., a Judicial Branch in the C. S. P. from which officers can be supplied to the Ministry of Law. Posts in the Ministry of Law must, therefore, be accorded special treatment ; and it has been decided that the rules framed in 1938 should be generally followed, that is to say, *Draftsman*, Joint Secretaries and Deputy Secretaries in the Ministry of Law who are subject to the tenure rules shall have a tenure of 4 years like others, but shall be eligible for re-appointment for any number of further terms of 4 years, subject to the superannuation limit. No fresh orders regarding the post of Secretary are needed : the orders contained in the Establishment Division letter of the 5th December, 1951 referred to above sufficiently cover it. Under Secretaries' tenure shall be 3 years as in other Ministries, with the possibility of re-appointment as such.

(Establishment Division Letter. No. 40/72/51-SEI, dated the 5th August, 1952).

Sl. No. 8 :

REFERENCE.—*Establishment Division letter No. F.* 40/72/51-*SEI*, *dated the 5th August*, 1952.

It has since been decided that officers to whom the tenure rule applies when posted outside the Secretariat, *e.g.*, as Heads of Departments or Attached Departments after having served in a Secretariat post should not be covered by the tenure rule. This refers to the officers of category (iii) in paragraph 1 of the letter mentioned above.

(Establishment Division Letter No. F. 40/72/51-SEI, dated the 4th March, 1953).

Sl. No. 9 :

In partial modification of the Establishment Division letter No. 33/7/49-SEI, dated the 5th December, 1951 (Sl. No. 6), the Government of Pakistan have decided as follows :—

(1) On promotion to a higher post in the same Ministry, the tenure of the higher post should be allowed, the

perion already spent in the lower post being counted towards the tenure of the higher post.

(2) A new tenure should commence on transfer to another Ministry whether the transfer is to a post of an equal status or a higher status.

(3) Period spent on leave should be counted as part of tenure if the officer returns to the same post on the expiry of the leave.

(4) Interruptions up to 3 months on account of deputation should be counted as part of the tenure.

(5) Interruptions on account of deputation from 3--12 months should be deducted from the tenure which should be extended by the period of such interruptions. A new tenure should, however, commence if the period of interruption exceeds one year.

(6) Officers appointed to a tenure post should not normally be transferred to a different post before the expiry of the tenure.

(7) The tenure rules should not apply to GAR and other contract officers and Central Secretariat Service officers including Section Officers. These officers should, however, be transferable from one Ministry to another in the interest of public service, should exigencies of service so require.

2. The above decisions are subject to the condition that no officer to whom the tenure rules apply should stay in the Central Secretariat (on tenure posts, as described above) for more than 6 years at a time and that this period will cover any promotions or transfers made from one post to another in the Central Secretariat.

(Establishment Division letter No. 9/1/59-D. III, dated the 29th August. 1962).

Procedure for filling up of vacancies upto two months excepting Secretaries to Government.

Sl. No. 10 :

Orders were issued (*vide* Establishment Division Memorandum No. 54/27/53-ME, dated the 30th September 1953 and 14th November 1953) to the effect that :—

(*i*) No vacancy of less than 4 months' duration should be filled ;

(*ii*) Vacancies exceeding 4 months should not normally be filled but may be filled under the personal orders of the Heads of Ministries/Divisions/Departments ;

(*iii*) Exception from (*i*) and (*ii*) above may be made in the case of technical staff.

2. The question of filling of short-term vacancies has been considered further and it has since been decided, in supersession of the orders referred to above, that :

(*i*) No vacancy up to 2 months should be filled ;

(*ii*) Vacancies exceeding 2 months should not normally be filled but may be filled under the personal orders of the Heads of Ministries/Divisions/Departments ;

(*iii*) In case where the nature of work is such that the employment of staff for a short period is unavoidable in the interests of essential work, relaxation in respect of promotion or recruitment to vacancies of even less than 2 months duration should be made and such vacancies should be filled under the personal orders of the Heads of Ministries/Divisions/Departments. Such relaxation should, however, be made only after consultation with the Establishment Division.

[Establishment Division Office Memorandum No. 54/27/53-ME, dated the 8th April 1954 as amended *vide* Office Memorandum No. 11/4/61-F. II(XV), dated the 6th April, 1962].

***Procedure for filling up short-term vacancies of Secretaries :**

Sl. No. 11 :

According to the existing orders, vacancies up to two months should not be filled but exceptions might be made after consultation with the Establishment Division. For some time past the question has been under consideration whether a vacancy caused by a Secretary to Government proceeding on deputation or on leave for any period exceeding one month should be filled. It has now been decided, in consultation with the Ministry of Finance, that, if a Secretary to Government of Pakistan goes on deputation or on leave for any period exceeding one month, the senior most Joint Secretary in the same Ministry should be appointed, with the approval of the Hon'ble the Prime Minister to act as Secretary to Government in his place, the Establishment Division being informed of the proposed arrangements at the same time. This would not confer on the temporary incumbent of the post any claim to have superseded his seniors in other Ministries nor would it imply that he has been adjudged fit to be Secretary to Government on a permanent basis.

It is also considered that, if a Secretary to Government goes abroad on deputation for a period exceeding one month, he should be designated as Officer on Special Duty and should not be designated as Secretary to Government although, as Officer on Special

*For further Instructions on this subject pl. consult Chap. XXVII, Vol. III.

Duty, he may continue to carry the status of a Secretary if it is known that he would resume duty as Secretary on return from deputation.

2. Where, however, it is known at the outset that a vacancy is likely to last for over four months or whenever it is known during the period of the vacancy that the vacancy is going to exceed four months, the matter should be referred immediately to the Establishment Division who will place the matter before the Hon'ble the Prime Minister for orders.

(Establishment Division Office Memorandum No. 54/44/55-ME, dated the 31st December 1955).

Sl. No. 11-A :

.. .. ..

Paras 1 and 2 omitted :

.. ..

3. It has further been decided that henceforth all notifications relating to appointments of Secretaries/Acting Secretaries shall be issued by the Establishment Division instead of Ministries, as has been the practice so far. This course is necessary to avoid notifications being found legally or otherwise defective, as has been found to be the case in some instances. In order to enable this Division to issue the necessary notification, Ministries will send the file to the Establishment Division after President's orders have been obtained regarding such appointments.

[Establishmhnt Secretary's d. o. letter No. 26)(19)/63—AI dated the 31th August, 1963.]

Form of notifying appointments of Acting Secretaries :

Sl. No. 12 :

All acting appointments in the grade of Secretary, as envisaged in the Establishment Division Office Memorandum No. 54/44/55-ME, dated the 31st December 1955, may please be notified in future in the following form :—

"Mr. so and so has been appointed to act as Secretary to the Government of Pakistan in the Ministry of ....*vice*.................. proceeded on leave/deputation ".

[Establishment Division Office Memorandum No. 2(38)/57-SE. III, dated the 30th September 1957).

Sl. No. 13 :

In the case of officers appointed as Acting Secretaries the correct designation is ' Acting Secretary ' and not ' acting Secretary' or Secretary.

2. Orders regarding the position assigned to them in the Warrant of Precedence will follow.

(Establishment Division O.M. No. 6/4/60-E. IX, dated the 5th March, 1960).

Sl. No. 14 :

REFERENCE.—*Establishment Division Office Memorandum No.* 54/44/55-*ME. dated the* 31*st December* 1955 (*Sl. No.* 11).

The President has been pleased to decide that Joint Secretaries to the Central Government who are required to perform the duties of Secretaries absent on leave or deputation for periods exceeding one month should not be designated Secretaries but Acting Secretaries and paid only extra special pay equal to 15% of their pay as Joint Secretary instead of the full pay of a Secretary.

(Establishment Division Office Memorandum No. 6/4/60-E. IX, dated the 22nd March 1960).

Sl. No. 14-A :

A reference is invited to the Establishment Division O. M. No. 6(4)/60-EIX, dated the 22nd March, 1960 regarding pay of Acting Secretaries when the Secretary is absent on leave or deputation for short duration and O. M. of even number and date regarding pay of Acting Secretary in vacancies of Secret aries and it is stated that the matter has been reviewed in consultation with the Ministry of Finance and the President has been pleased to take the following decision :—

(*i*) The designation of Acting Secretary should be given only to the officers holding charge of Central Ministries and their special pay, should be equal to 15% of their pay, the pay and special pay being restricted to the amount which would have been admissible to the officers concerned according to the length of service formula had they been appointed as full fledged Secretary to the Government.

(*ii*) The pay and status of Acting Secretary allowed to officers not holding the charge of Central Ministries should be changed to that of Additional Secretary.

2. The orders take effect from the date of issue of this Office Memorandum.

3. The Ministries of Finance u/o. No. 149-R. 4/67, dated the 6th February, 1967 refers.

(Establishment Division Office Memorandum No. 2/31/65—GI. dated 10th February 1967).

Note :—Pl. *see* also Govt. orders in Chapter XXVII (Secretaries to Govt., etc.), Vol. III.

Duty, he may continue to carry the status of a Secretary if it is known that he would resume duty as Secretary on return from deputation.

2. Where, however, it is known at the outset that a vacancy is likely to last for over four months or whenever it is known during the period of the vacancy that the vacancy is going to exceed four months, the matter should be referred immediately to the Establishment Division who will place the matter before the Hon'ble the Prime Minister for orders.

(Establishment Division Office Memorandum No. 54/44/55-ME, dated the 31st December 1955).

Sl. No. 11-A :

.. .. ..

Paras 1 and 2 omitted :

.. ..

3. It has further been decided that henceforth all notifications relating to appointments of Secretaries/Acting Secretaries shall be issued by the Establishment Division instead of Ministries, as has been the practice so far. This course is necessary to avoid notifications being found legally or otherwise defective, as has been found to be the case in some instances. In order to enable this Division to issue the necessary notification, Ministries will send the file to the Establishment Division after President's orders have been obtained regarding such appointments.

[Establishmhnt Secretary's d. o. letter No. 26)(19)/63—AI dated the 31th August, 1963.]

Form of notifying appointments of Acting Secretaries :

Sl. No. 12 :

All acting appointments in the grade of Secretary, as envisaged in the Establishment Division Office Memorandum No. 54/44/55-ME, dated the 31st December 1955, may please be notified in future in the following form :—

"Mr. so and so has been appointed to act as Secretary to the Government of Pakistan in the Ministry of .... *vice*..................... proceeded on leave/deputation".

[Establishment Division Office Memorandum No. 2(38)/57-SE. III, dated the 30th September 1957).

Sl. No. 13 :

In the case of officers appointed as Acting Secretaries the correct designation is 'Acting Secretary' and not 'acting Secretary' or Secretary.

2. Orders regarding the position assigned to them in the Warrant of Precedence will follow.

(Establishment Division O.M. No. 6/4/60-E. IX, dated the 5th March, 1960).

Sl. No. 14 :

REFERENCE.—*Establishment Division Office Memorandum No. 54/44/55-ME. dated the 31st December* 1955 (*Sl. No.* 11).

The President has been pleased to decide that Joint Secretaries to the Central Government who are required to perform the duties of Secretaries absent on leave or deputation for periods exceeding one month should not be designated Secretaries but Acting Secretaries and paid only extra special pay equal to 15% of their pay as Joint Secretary instead of the full pay of a Secretary.

(Establishment Division Office Memorandum No. 6/4/60-E. IX, dated the 22nd March 1960).

Sl. No. 14-A :

A reference is invited to the Establishment Division O. M. No. 6(4)/60-EIX, dated the 22nd March, 1960 regarding pay of Acting Secretaries when the Secretary is absent on leave or deputation for short duration and O. M. of even number and date regarding pay of Acting Secretary in vacancies of Secret aries and it is stated that the matter has been reviewed in consultation with the Ministry of Finance and the President has been pleased to take the following decision :—

(*i*) The designation of Acting Secretary should be given only to the officers holding charge of Central Ministries and their special pay, should be equal to 15% of their pay, the pay and special pay being restricted to the amount which would have been admissible to the officers concerned according to the length of service formula had they been appointed as full fledged Secretary to the Government.

(*ii*) The pay and status of Acting Secretary allowed to officers not holding the charge of Central Ministries should be changed to that of Additional Secretary.

2. The orders take effect from the date of issue of this Office Memorandum.

3. The Ministries of Finance u/o. No. 149-R. 4/67, dated the 6th February, 1967 refers.

(Establishment Division Office Memorandum No. 2/31/65—GI. dated 10th February 1967).

Note :—Pl. *see* also Govt. orders in Chapter XXVII (Secretaries to Govt., etc.), Vol. III.

Additional Charge-Appointments :

Sl. No. 15 :

The President has been pleased to decide —

(a) that combination of appointments in terms of *F.R. 49 should be made as a temporary measure and should not ordinarily be made for a period of more than 6 months ; and

(b) that apart from the pay admissible under F.R. 49(a) where applicable, the additional remuneration which may be granted to an Officer, including a Judicial Officer of the rank of Joint Secretary or above, who is called upon to perform additional duties, should not exceed an amount equal to 10% of his pay in the original post.

2. In order to comply with the decision mentioned in para 1(a) above, necesssry measures to fill up a post on a whole-time basis should be taken as soon as it falls vacant and every possible effort should be made to make a whole-time appointment within the period of six months. If, in any case, it is necessary to continue the full additonal charge or current charge arrangement beyond this period, the case should be referred to the Ministry of Finance stating the steps taken to fill the post on a whole-time basis, the reasons why it was not possible to appoint a whole-time officer within the prescribed period and giving full justification for further continuance of the temporary arrangement.

3. For the purpose of the decision given in para 1(b) above, all posts carrying a pay of Rs. 3,000 in the 'existing' (pre-31) scales or Rs. 2,000 in the 'prescribed' scales will be regarded as equal in rank to the post of Joint Secretary.

4. The grant of additional pay to officers below the rank of Joint Secretary will continue to be regulated under the @ existing orders, according to which additional pay not exceeding 20 per cent of the presumptive pay can be granted but, as a consequence of the limits laid down in para 1(b) above, the amount of additional pay granted to officers below the rank of Joint Secretary should not exceed the amount of additional pay admissible to a Joint Secretary under these orders.

[M/Finance O.M. No. F. 4 (46)-RII/(III)/56 dated the 26th October, 1957—as (reproduced below FR. 49].

Sl. No. 16 :

Certain cases have come to the notice of the Ministry of Finance from which it appears that the scope of the term "independent posts" occurring in F.R. 49 is not clearly understood by all Ministries, Divisions, etc. Although this term has not been formally defined in the Fundamental Rules, its sense can

*Fundamental Rule 49.

@ Pl. See Annexure I to Sl. No. 18 (below).

be easily understood and what is required is that the rule is appl ied by a proper exercise of discretion by the competent authority according to its true intention. An attempt is made in the following paragraphs to illustrate the true intention of the rule with reference to the term " independent posts ".

When an officer is asked to do the work of another officer of equal status and having the same designation in the same office or on the same establishment, it is really a case of mere redistribution of work. For example, there are several sanctioned posts of Joint Secretaries in the Ministry of Finance and Economic Affairs. Suppose some of these posts are vacant and their duties are entrusted to some other Joint Secretaries. This would no doubt mean a temporary increase in the work of the officer as if by a redistribution of work but cannot mean " combination of appointments " under F.R. 49.

F.R. 49 would also not be applicable when the work of another officer holding lower or higher post is covered or looked after by another officer in the same office or establishment. In cases of this kind the officer cannot function both in the higher and lower capacities and in actual practice work is disposed of by him once for all at the level of his authority. There is no specific appointment to the higher or lower post resulting in " combination of appointments " within the meanings of F. R. 49.

What is stated above relates to the question whether or not a combination or redistribution of work falls under F.R. 49 within the meaning of the term " combination of appointments ". Cases of officers given current charge of the routine duties of higher posts are not governed by F.R. 49 and the question of definition of the term " independent posts " does not arise in such cases *vide* Audit Instruction (1) below F.R. 35.

These orders have been issued in consultation with the Comptroller and Auditor General.

[Ministry of Finance O.M. No. I (1) (RWP)/62, dated the 21st April, 1962—as reproduced below F.R. 49].

Sl. No. 17 :

The question whether cases of additional charge appointments come within the scope of the Central Selection Board or not has been under consideration in the Establishment Division.

2. After careful consideration it has now been decided that when an officer is appointed to hold additional charge of an equivalent post in terms of the Ministry of Finance* O.M. No. 4(46)-R.II(III)/56, dated the 26th October 1957, it will not be necessary to obtain the approval of the Central Selection

*Sl. No. 15.

Board. The Ministry concerned may make such an appointment in consultation with the Ministry of Finance. But when an officer is appointed to hold current charge of a higher post for a period exceeding two months, the approval of the Central Selecion Board is necessary in accordance with the* existing orders.

(Establishment Division O.M. No. 26(13)/63-AI, dated the 2nd July, 1964).

Current Charge Appointments

Sl. No. 18:

Several Ministries/Divisions have since made out to the Establishment Division that, because of the circumstances pointed out by them a complete ban on allowing current charge of the routine duties of posts would involve avoidable administrative difficulties.

2. The matter has, therefore, been examined and it has been decided that—

(*i*) in all cases, except as in paragraph 2 (iii) below, appointments should be made only through the regular selection processes, namely, with the approval of the Selection Board and the authority competent to make those appointments ;

(*ii*) If, in any particular case, a Ministry/Division wishes that the selection be made immediately, they should send the proposal to the Establishment Division complete in all respects, and make the urgency of recommendation by the Selection Board clear to the Establishment Division, so that the latter may finalize the matter with the utmost expedition ;

@(*iii*) If a vacancy in a higher post occurs for less then two months, and it is considered impossible for good reasons, to make arrangements for the day-to-day work of that post to be carried on otherwise, the current charge of the duties of the post may be given temporarily, with the approval of the authority competent to make appointment to that post to the senior-most officer in the cadre present at the place or in the organisation where the vacancy may have occurred, if he is otherwise fit and eligible for promotion. Such an arrangement shall not, in any way, prejudice the right of all the officers in the cadre, eligible for promotion, to be duly considered for the post, whenever a regular or longer vacancy would occur. If the such senior-most officer is not fit or eligible for promotion then other eligible officers of the Ministry/Division may be considered for the current charge appointment

*Reproduced below under Sl. No. 18.

@(As amended *vide* Establishment Division O.M. No. 26 (16) /67-A.I., dated the 9th August, 1967.

(*iv*) Where a higher post falls vacant initially for less than two months, and it subsequently becomes known that it will continue beyond that period, steps should be taken, immediately this becomes known, to have it filled through the regular selection processes ;

(*v*) *Where the current charge of the routine duties of a higher post is contemplated in terms of the Audit Instruction below F.R. 35, it can be allowed as a temporary measure for a maximum period of 6 months only, as envisaged in the Ministry of Finance O.M. No. 4(46)-RII (III)/56, dated the 26th October, 1957 (Annexure I).

(*vi*) These instructions apply directly to all cases which come under the purview of the Central Selection Board, but should, *pari passu*, be followed in respect of similar situations in the Attached and Subordinate Offices and other gazetted and non-gazetted posts.

3. Appointments to all vacancies should henceforth be made strictly in the light of the above instructions. The approval of the competent authority should be obtained to regularise the current charge of the routine duties of higher and equivalent posts already allowed, and steps should be taken immediately to fill vacancies through the regular selection processes, wherever necessary under the above instructions.

(Establishment Division Office Memorandum No. 2(46)/57-SE-III dated the 31st October, 1958, issued in supersession of Office Memorandum No. 2/46/57-S.E. III, dated the 22nd February, 1958).

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*(As amended *vide* Estt. Div. O. M. No. 26 (13/63-AI, dated the 24th July 1963).

ANNEXURE I

Copy of the Ministry of Finance O.M. No. F. 4 (46)-*R. II* (*III*)/56, *dated the* 26*th October*, 1957.

Subject.—Additional remuneration for extra duty.

1. No. F. 15(II)-RI/31, dated 2-6-1931. .. Annex. II.	
2. No. F. 16 (3)-EXI/38, dated 22-3-1938 .. Annex. III.	
3. No. F. 12(37)-WII/45, dated 5-10-1945 .. Annex. IV.	
4. No. F. 7(3)-EII/46, dated, 26-9-1946 .. Annex. V.	
5. No. F. 7(3)-EII/46, dated 14-2-1947 .. Annex. VI.	

The undersigned is directed to invite a reference to the marginally noted Office Memoranda issued by the late Government of India Finance Department (Annex, II to VI) regarding officiating appointments for short periods and to say that the President has been pleased to decide —

(*a*) that combination of appointments in terms of F.R. 49 should be made as a temporary measure and should not ordinarily be made for a period of more than 6 months ; and

(*b*) that apart from the pay admissible under F.R. 49(*a*) where applicable, the additional remuneration which may be granted to an officer, including a Judical Officer, of the rank of Joint Secretary or above, who is called upon to perform additional duties, should not exceed an amount equal to 10% of his pay in the original post.

2. In order to comply with the decision mentioned in para 1(*a*) above, necessary measures to fill up a post on a whole-time basis should be taken as soon as it falls vacant and every possible effort should be made to make a whole-time appointment within the period of six months. If, in any case, it is necessary to continue the full additional charge or current charge arrangement beyond this period, the case should be referred to this Ministry stating the steps taken to fill the post on a whole-time basis, the reasons why it was not possible to appoint a whole-time officer within the prescribed period and giving full justification for further continuance of the termporary arrangement.

3. For the purpose of the decision given in para 1(b) above, all posts carrying a pay of Rs. 3,000 in the 'existing' (pre-31) scales or Rs. 2,000 in the 'prescribed' scales will be regarded as equal in rank to the post of Joint Secretary.

4. The grant of additional pay to officers below the rank of Joint Secretary will continue to be regulated under the existing orders, according to which additional pay not exceeding 20 per cent of the presumptive pay can be granted but, as a consequence of the limits laid down in para 1(b) above, the amount of additional pay granted to officers below the rank of Joint Secretary should not exceed the amount of additional pay admissible to a Joint Secretary under these orders.

ANNEXURE II

Copy of Office Memorandum from the late Government of India, Finance Department, No. F. 15(11)-*RI*/31, *dated the 2nd June*, 1931.

Subject.—Question of the grant of additional pay under F.R. 49.

As the Home Department is already aware, the Finance Department have, in view of the present financial stringency, been exploring all possible avenues for economy. Their attention has, in this connection been drawn to Fundamental Rule 49, which provided for the grant of additional remuneration in certain circumstances to Government servants appointed to hold substantively as a temporary measure, or to officiate in two or more independent posts at the same time.

2. Strictly speaking, this rule does not come into operation unless a Government servant while holding one post is formally appointed to another in addition, but since its introduction, not only has it been utilised to grant additional remuneration when no such formal appointment has been made (and the officer) concerned has merely been placed in charge of the current duties of another post in addition to his own but the practice appears to have grown up of allowing the full additional remuneration admissible under the rules as a matter of course, without reference to or extent of extra work and responsibility involved.

3. This practice appears to be unduly liberal and extravagant. It often happen that the extra duties to be performed are only nominal or are comparatively light or of brief duration. In such cases additional remuneration is often not justified and even when it is justified it need not necessarily always be as large as Fundamental Rule 49 permits. In this connection attention is invited to the provisions of Article 162-A of the Civil Service Regulations (now defunct) under which an officer performing simultaneously the duties of two or more posts on the same establishment was restricted to the highest salary he would have drawn if he had held or officiated in any one of them alone.

4. In view of the need for economy at the present time, the undersigned is directed to request that the sanctioning authorities should carefully scrutinise the merits of every claim made under Fundamental Rule 49 and satisfy themselves that extra remuneration is justified, before sanctioning it in pursuance of Fundamental Rule 49. One way of avoiding embarrassing claims to extra remuneration which is not jusified would be to refrain from formally appointing the officer concerned to the additional post or posts. Where it is found that the extra duties performed are such as to justify additional pay a formal appointment may be made but the amount admissible under clause (b) of F.R. 49 should not ordinarily exceed 20 % of the pay of the post whose duties he is performing. The undersigned is to request that these instructions may be carefully borne in mind whenever the possibility or resort to Fundamental Rule 49 arises.

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ANNEXURE III

Copy of Office Memorandum from the late Government of India, Finance Department, No. F. 16(3)-*EX. I*/38, *dated the* 22*nd March*, 1938.

Subject.—Officiating appointments for short periods.

The undersigned is directed to invite a reference to this Department's Office Memorandum No. F. 15(11)-RI/31, dated the 2nd June, 1931, which aimed at restricting the amount of additional pay that could be drawn under F.R. 49 and the occasions on which it could be drawn. The Government of India consider that there is also scope for economy and administrative simplicity in the matter of making officiating appointments for very short periods. Where a vacancy is for a period of fourteen days or less it should be carefully considered whether it is readily necessary to fill it, particularly if the filling of it involves a transfer. Possibly the current duties of the post could be attended to by some other officer on the spot, or possibly there will be no detriment to the public service if the post is simply not filled at all. It is recognised that for legal or technical or even administrative reasons, it may be necessary to fill short vacancies of even less than fourteen days but the undersigned is directed to enjoin the exercise of a careful and deliberate discretion before vacancies of this duration are filled.

2. Vacancies extending from fourteen days to one month may require less strict treatment but in these cases also the authorities charged with filling the vacancy should not fill it as a matter of course but only in their opinion it is advisable on public (as opposed private) ground to do so.

3. Short vacancies of longer than one month may normally be filled unless the authority concerned does not think it necessary to do so.

ANNEXURE IV

Copy of the late Government of India, Finance Department, Office Memorandum No. F. 12(37)-WII/45, *dated the 5th October*, 1945.

The undersigned is directed to invite a reference to this Department Office Memorandum No. F. 16(3)-Ex. 1/38, dated the 22nd March, 1938, in which Departments were requested not to fill short vacancies as a matter of course. In recent years there has been a very large increase in the number of posts under Government and consequently in the number of officiating vacancies. Where these vacancies are of short duration it is usual to fill them by promotion. There is, however, no doubt that officials appointed in these vacancies have not in all cases possessed the capacity of experience which would enable them

to discharge the full duties of the post or to justify in full the drawing of the additional pay involved.

2. It is accordingly considered that a post which falls vacant for a period of two months or less should ordinarily be held in abeyance; but an officer may be appointed to hold current charge of the routine duties of the post and may in exceptional cases and with the concurrence of Finance Department receive an addition to his normal pay for doing so.

3. Departments are requested to observe the principles contained in paragraph 1 of the Office Memorandum referred to above in dealing with all vacancies for two months or less.

ANNEXURE V

Copy of the late Government of India, Finance Department, Office Memorandum No. F. 7(3)-E. II/46, dated the 26th September, 1946.

Subject.—Officiating appointments for short periods.

The undersigned is directed to invite a reference to Government of India, Finance Department Memorandum No. F. 12 (37)-W. II/45, dated the 5th October, 1945 regarding the restrictions on officiating appointments in vacancies for period of two months or less, and to communicate the following observations to clarify certain points of doubt which have arisen in this connection :—

(1) The administrative department of Government concerned has complete discretion to appoint an officer:

(*a*) to officiate fully in a vacant post;

(*b*) to hold additional charge of the full duties of the post;

(*c*) to hold current charge of the routine duties of the post ;
or

(*d*) to leave it vacant.

Finance Department, however attach considerable importance to the continued observance of the principles laid down in the Office Memorandum under reference and hope that they will receive the fullest cooperation of Departments in this respect.

(2) In regard to the fixation of pay ;

(*a*) Fundamental Rule 31 will apply when it is considered essential to make full officiating arrangements :

(*b*) Fundamental rules 49 will apply when an officer is appointed to hold additional charge of the full

duties of the post. In this case the officer can draw the pay of the higher of the two posts and be granted additional pay which should not ordinarily exceed one fifth of the pay of the lower post *vide* paragraph 4 of Finance Department Office Memorandum No. F. 15(11)-RI/31, dated the 2nd June, 1931;

(*c*) Where an officer is appointed to hold current charge of the routine duties of the higher post, he may be granted special pay equal to 10 per cent of his substantive pay (excluding overseas pay).

It should, however, not be necessary to make a formal appointment sanctioning the combination of posts and additional remuneration therefor in cases where the vacancy does not exceed 14 days.

2. Cases have come to the notice of the Finance Department in which leave for periods exceeding two months by a few days only has been sanctioned with a view to enabling officiating arrangements to be made. This amounts to the evasion of the principle underlying the issue of that Office Memorandum and it is requested that Departments will take steps to ensure that such evasions do not occur.

ANNEXURE VI

Copy of late Government of India, Finance Department, Office Memorandum No. F. 7(3)-E. II/46, dated the 14th February, 1947.

Subject.—Officiating appointments for short periods.

The undersigned is directed to invite a reference to this Department Office Memo. No. F. 12 (37)-W. II/45, dated the 5th October, 1945, on the subject of officiating appointments for short periods and to the subsequent observations in this Department Office Memo. No. F. 7(3)-E. II/46, dated the 26th September, 1946 regarding the exercise of powers by administrative Departments in cases where it was found impossible to hold in abeyance officiating appointments to posts which fall vacant for a period of two months or less.

2. The question has been considered whether with a view to avoiding a large number of references being made to Government Departments subordinate authorities should be given discretion to make officiating appointments in short vacancies of two months and less. Finance Department consider it essential that subordinate authorities should refrain from sanctioning officiating appointments or combinations of posts in such short vacancies without reference to the administrative Department of Government concerned but there is no objection to Departments of Government issuing general orders in respect of particular classes of

posts under their control specifying the circumstances in which alone the subordinate authorities who are otherwise competent to fill the post would be justified in making officiating appointments or allowing another officer to hold additional charge, against short vacancies for periods of two months and less. It is requested that any general instructions of this nature may be shown to Finance Department before issue.

3. No prior reference to the Finance Department is necessary in cases where a special pay equal to 10% of substantive pay (excluding overseas pay) is granted to an officer who is entrusted in addition to his own work, with the current charge of the routine duties of a vacant post. Cases where an officer has to be formally appointed to discharge the full additional duties of another post which is vacant for two months or less should be rare and on any such occasion the additional pay sanctioned under F.R. 49(b) should not normally exceed the limit of 20% of the pay of the lower post suggested in paragraph 2 (b) of Finance Department Office Memorandum No. F. 7(3)-E. II/46, dated the 26th September, 1946.

It has also been decided that this Department Office Memorandum No. 12(37)-W.II/45, dated the 5th October, 1945 need not be regarded as applicable to inferior servants.

Correct designation of officers holding current charge of higher posts :

Sl. No. 19 :

The question as to how an officer holding the current charge of the duties of a higher post should be designated has been under consideration in the Establishment Division.

2. It is considered that when an officer holds the current charge of the duties of a higher post, three important legal aspects of such an assignment should be borne in mind. They are :—

(*a*) the officer does not relinquish charge of his own post when he holds the current charge of the duties of a higher post ;

(*b*) the officer is not actually appointed to the higher post; and

(*c*) the officer does not get the pay of the higher post, but gets only a certain percentage of his own pay as an additional remuneration for performing the current duties of the higher post where admissible.

It is clear from the above that an officer holding the current charge of the duties of a higher post is merely performing the day to day duties of the higher post in addition to his own duties, or holding an additional charge.

3. In view of the above, it is considered that it i s not legally permissible for the officer to style himself, in all official papers,

as the fullfledged incumbent of the higher post. He should, therefore, merely use the designation of his original post or at the most, in suitable cases only, he can add the words "in-charge" to his original designation.

[Establishment Division Memo. No. 3(2)/63-AI, dated the 27th September, 1963].

Officiating arrangements in vacancies caused by deputation of officers abroad.

Sl. No. 20 :

There has been some confusion in the past in regard to the necessity or otherwise for creation of posts for making officiating arrangements in vacancies caused by the deputation of officers abroad. The matter has been examined and the following instructions are issued for the guidance of Ministries/Divisions, etc.

(1) *When the officer hands over charge of his post.*—The officer concerned is placed on special duty and is entirely detached from duties of the post which he ordinarily holds. A post of officer on special duty would have to be created in the Ministry sponsoring his deputation and the vacancy created in his own Ministry can be filled up in the normal course.

(2) *When the officer does not hand over charge of his post.*— The officer is not detached from the duties of his post and it is not necessary to make arrangements for the disposal of the work relating to the post due to the absence of its incumbent. A new post in a lower grade may be created with the sanction of the authority competent to create such lower post for the period of the officer's absence on duty.

2. The instructions contained in the Ministry of Finance Office Memorandum No. 4561-EG. 1/1/51, dated the 12th July 1951, are hereby cancelled.

(Ministry of Finance Office Memorandum No. 3005-EGI/52, dated the 7th May, 1962).

Procedure for making substantive-pro-temporary appointments :

Sl. No. 21 :

The Government of Pakistan have decided that substantive appointments may be made against the 40% temporary posts mentioned in para 13(*a*) of the Establishment Division Office Memorandum No. 42/32/48-Estts. (ME), dated the 3rd June, 1949 (Sl. No. 37), subject to the conditions detailed below.—

(*i*) Substantive appointments (SPT) may be made against those posts with effect from the 15th August, 1947 or

the date of the creation of the posts, if this happens to be a subsequent date ;

(*ii*) Only persons declared fit for permanent retention may be appointed substantively against these posts ;

(*iii*) The Heads of Departments should be satisfied that the posts are likely to continue for a period of three years with effect from the date of creation of these posts ;

(*iv*) A substantive appointment will be made only in favour of the first holder of the post unless he has been appointed substantively against some other temporary post or has been confirmed against a permanent post in the same grade or a higher grade.

2. As regards other temporary posts not sanctioned on a regular basis, substantive appointments may be made in terms of Government of India decision (2) below Fundamental Rule 9(30), that is, in a limited number of cases only, as for example, when the posts are to all intents and purpose, quasi-permanent in nature or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years.

(Ministry of Finance Office Memorandum No. 3605-EG. II/49, dated the 8th September, 1949, issued in supersession of O.M. No. 10835-EG. I/48, dated the 7th December, 1948).

Sl. No. 22 :

According to the late Government of India decision No. 2 below F.R. 9(30), substantive appointments to temporary posts can be made in a limited number of cases and that too when the posts are to all intents and purposes quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years, *irrespective of the fact whether or not the persons concerned are eligible for permanent retenion in the ministerial establishment of the Central Secretariat and its Attached Departments.*

(Establishment Division Office Memorandum No. 42/14/54/-ME, dated the 20th February, 1956).

SUBSTANTIVE PERMANENT APPOINTMENTS (CONFIRMATIONS)

General :

Before confirming an official in his appointment it is necessary to ensure that—

(*a*) a permanent vacanty/post exists against which confirmation is proposed to be made ; and

(*b*) procedure for confirmation applicable to the post or

the service to which the post belong has been duly followed.

Attention in this Connection is also invited to the Establishment Division O. M. No. 11/14/60-XV, dated the 31st October, 1960 (Chap. I) regarding powers of Heads of Departments to make confirmations.

Decision to place 60% posts on a permanent footing in the Secretariat and its Attached and Subrordinate Offices :

Sl. No. 23 :

I. (*Posts upto and equivalent to the status of Assistant Secretary*).

It has been decided by the Government of Pakistan to place on a permanent footing 60% of all posts at present sanctioned on a temporary basis in each grade in the various Divisions upto and including posts of Assistant Secretaries in the Secretariat and posts of corresponding rank in Attached Departments and Subordinate Offices. The remaining (40% of the posts) should continue on a temporary basis until further orders. Confirmations against these posts can take retrospective effect from 15th August, 1947, or the date of appointment of person concerned to the post in which he is confirmed, if the latter is a subsequent date. It would follow from this that the cases of persons who have retired or proceeded on leave preparatory to retirement since the Independence (15th August, 1947) can also be considered for confirmation in the posts made permanent. Necessary details as to how confirmations against these posts should take place are being worked out and instructions on the subject will be issued by the Establishment Division as soon as possible. No decision about the confirmation of the existing staff should be taken in anticipation of these instructions.

[Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 19th January, 1949].

II. (*Posts higher in status than that of Assistant Secretary*).

It has been decided by the Government of Pakistan that 60% of the isolated or miscellaneous posts at present sanctioned on a temporary basis in the various Ministries and Divisions higher in status than the posts of Assistant Secretary in the Secretariat and posts of corresponding rank in Attached Departments and Subordinate Offices should be placed on a permanent footing. The remaining 40% of the posts should continue on a temporary basis until further orders.

2. 60% of posts outside the time scales of the regularly constituted Services may also be made permanent.

3. In the case of the regularly constituted Services, 60% of posts borne on their cadres may also be placed on a permanent footing, pending the finalisation of the cadre strengths of the

services. The percentage will apply to all posts which have been created on a regular basis up-to-date. It has, however, been decided that officers who were permanent in undivided India (including officers recruited on a permanent basis in the P.A.S., P.A. & A.S., etc., in Pakistan) will be confirmed irrespective of the percentage mentioned above.

(Paras 4—8 reproduced under Sl. No. 44).

[Establishment Division Office Memorandum No. F. 23/12/49-Ests. (SEI), dated the 19th June, 1950.]

Decision to place 80% posts on a permanent basis :

Sl. No. 24 :

Reference :—Para 13 of the Establishment Division Office, Memorandum No. 42/32/48-Ests (ME), dated the 3rd June, 1949 (Sl. No. 37).

2. The question has been considered further and it has been decided that confirmations should be extended to 80% of the posts sanctioned by the Ministry of Finance on a regular basis up to the 1st April, 1951. Confirmations against these posts should be made in accordance with the general instructions contained in the Establishment Division Office Memorandum, dated the 3rd June, 1949, and subsequent orders.

3. The question whether the extended percentage of 80 should apply to civil and military personnel chargeable to Defence Estimates is separately under consideration.

4. Reproduced under Sl. No. 50.

5. The above decision applies to all services, and posts to which orders regarding confirmations against 60% of posts apply and to all persons who have retired or proceeded on leave preparatory to retirement before the issue of those orders.

6. It is requested that the Establishment Division may kindly be informed as early as possible,.............. whether confirmations in the Ministry of Finance, etc., its Attached Departments and Subordinate Offices, against 60% of the posts have since been made in accordance with the instructions issued in the Establishment Division Office Memorandum, dated the 3rd June, 1949, and subsequent orders on the subject. If, in a particular case, the process for confirmation has not yet been completed, the reasons for the delay may please be stated. The information asked for should be furnished to the Establishment Division in respect of the Ministry/Division concerned and its Attached Departments and Subordinate Offices in a consolidated form, and not separately.

(Establishment Division Office Memorandum No. 42/43/50-ME, dated the 6th June, 1951).

Sl. No. 25 :

Reference :—Establishment Division Office Memorandum No. 42/5/52-M.E.I., dated the 10th March, 1952 (Not reproduced).

2. The Office Memorandum under reference was intended to ascertain by the 30th April, 1952, whether confirmations against 80 % of posts had been made, and, if not, the reasons for the delay. A categorical reply to that enquiry was desired.

3. Meanwhile it is considered that the delay which has already occurred in the completion of confirmations is seriously detrimental to the contentment and efficiency of the services. It is, therefore, requested that all Ministries should give special and immediate attention to the removal of any obstacles that appear at present to be holding up confirmations. Energetic action to resolve such difficulties, in consulation with Establishment Division, if necessary, should now be taken to complete all confirmations forthwith and in any case not later than the 31st October, 1952, which date is intended to allow adequate time for the disposal of any particularly intractable cases.

4. Apart, therefore, from the report required in paragraph 2 above, Ministries are expected to report by the 31st of October, 1952, confirmations against 80% of their posts have been completed.

(Establishment Division Office Memorandum No. 42/5/52-M.E.I., dated the 22nd April, 1952).

Confirmations against cent percent of regular posts :

Sl. No. 26 :

I. (*Assistant Secretaries and posts in Ministerial and Class IV Establishments.*)

Reference :—Establishment Division Office Memorandum No. 42/43/50-ME, dated the 6th June, 1951, in which confirmations orders were extended to 80 % of the posts. (Sl. No. 24).

2. It has been decided, with the concurrence of the Ministry of Finance that the existing percentage restrictions on confirmations should be withdrawn. Accordingly, all posts borne on the cadres of the regularly constituted Central Services or isolated posts sanctioned on a regular basis are now to be placed on a permanent footing, provided that, in the case of the regularly constituted services, such confirmations will be permitted only in cases where the permanent cadre strengths of those Services and the permanent status of isolated posts have been finally determined in consultation with the Ministry of Finance. This decision also applies to Subordinate Offices in respect of which the Ministries concerned should issue necessary insturctions in consultation with the Ministry of Finance where necessary.

3. With regard to the Ministerial Establishments (up to and including Assistant Secretaries) and Class IV Government servants in the Pakistan Central Secretariat and its Attached Departments, confirmation against all posts in these categories which have been sanctioned by the Ministry of Finance on a permanent basis may now be made in pursuance of the general decision referred to in paragraph 2 above. It should not be assumed that posts sanctioned on a ' regular ' basis by the Ministry of Finance may be automatically treated as having been sanctioned on a permanent basis, and the concurrence of the Ministry of Finance regarding the permanent status of these regular posts should be obtained. Action should be taken in accordance with the instructions contained in the Establishment Division Office Memorandum No. 42/32/48-Ests (ME), dated the 3rd June, 1949, and subsequent orders. No confirmation orders should be passed unless the eligibility of the persons concerned has been carefully examined. Temporary officials recruited since Independence and liable to be replaced by Pakistan Public Service Commission qualified candidates are not eligible for confirmation. The above decision applies equally to the all persons who have retired or proceeded on leave preparatory to retirement before the issue of these orders.

4. In paragraph 4 of the Establishment Division Office Memorandum No. 42/5/52-M.E.I., dated the 22nd April, 1952, Ministries were requested to report to the Establishment Division, not later than the 31st October, 1952, that confirmations against 80% of all posts have been completed. The report in question should now include confirmations against cent percent of the posts under the instructions issued in this Office Memorandum and every endeavour should be made to attain this final objective by that date.

5. Confirmations against posts which are sanctioned by the Ministry of Finance on a permanent basis *in future* in the Ministerial Establishment and Class IV Services in the Pakistan Central Secretariat and its Attached Departments should be made strictly in accordance with the relevant rules.

6. Separate orders will be issued regarding confirmations against posts higher in status than the post of Assistant Secreatry.

(Establishment Division Office Memorandum No. 42/43/50-MEI, dated the 8th July, 1952).

II. (*Other posts*)

Attention is invited to Establishment Division Office Memorandum No. F. 23/12/49-Est. (SEI), dated the 19th June, 1950, (Sl. No. 23) authorising confirmations up to 60% of isolated or miscellaneous, posts higher in status than the post of Assistant Secretary in the Secretariat and posts of corresponding rank in Attached Departments and Subordinate Offices, of posts borne on the cadres of regularly constituted services, and posts outside the time scales of the regular services. The percentage was subsequently raised to 80% (Sl. No. 24).

2. It has now been decided, with the concurrence of the Ministry of Finance, that the existing percentage restriction on confirmations should be withdrawn. Accordingly, all posts borne on the cadres of regularly constituted Central Services or isolated posts sanctioned on a regular basis should now be placed on a permanent footing, provided that, in the case of the regularly constituted services, such confirmations will be permitted only in cases where the permanent cadre strengths of those services and the permanent status of isolated post, have been finally determined in consultation with the Ministry of Finance.

3. In the case of posts in the Secretariat corresponding to posts of Under Secretary/Deputy Secretary, the question whether they should be treated as tenure or non-tenure posts should be considered by the Ministries concerned, and a decision taken in consultation with the Establishment Division, before the question of the confirmation of the incumbents of those posts is taken up.

4. Confirmations may now be made in all posts :

(*i*) borne on the cadres of the regularly constituted services where the permanent cadre strengths have been finally determined :

(*ii*) outside the time scales of the regular services, including isolated or miscellaneous posts higher in status than the post of Assistant Secretary in the Secretariat and posts of corresponding rank in Attached Departments, etc., provided always that the permanent status of such posts has been determined in consultation with the Ministry of Finance.

5. All confirmations will be made in accordance with the principles laid down in paragraphs 4, 5, 6 and 7 of the Establishment Division Office Memorandum No. F/23/12/49-Ests. (SEI), dated the 19th June, 1950 (Sl. No. 44).

6. Separate orders have been issued regarding confirmations, in the *tenure* posts of Under Secretary and above in the Secretariat referred to in paragraph 6 of the Establishment Division Office Memorandum of the 19th June, 1950, and regarding the *ministerial establishment* (up to and including Assistant Secretaries).

7. Confirmations in posts covered by this Office Memorandum are subject to determination whether the posts are going to be on a tenure basis or not and in the former case should be regulated according to the orders contained in the Establishment Division Office Memorandum No. 22/13/51-SEI, dated the 10th July, 1952 (Sl. No. 45).

(Establishment Division O.M. No. 23/2/48 SEI, dated the 10th July, 1952).

Temporary ban on confirmations :

Sl. No. 27 :

I

The attention of Ministries/Divisions, etc., is invited to paragraph 4 of the Establishment Division Office Memorandum No. 42/5-52-MEI, dated the 22nd April, 1952 read with paragraph 4 of their Office Memorandum No. 42/43/52-MEI, dated the 8th July, 1952 according to which they were asked to report by the 31st October, 1952, that all confirmations against 100% posts had been completed. It is noted from the reports which have so far been received in the Establishment Division that Ministries, etc., have not completed confirmation against all posts. In view of the possibility of reversions in the Secretariat/Attached Departments and Subordinate Offices as a result of economy measures, Ministries, Divisions, etc., are requested to hold up, for the present any pending cases of confirmation, until further instructions are issued.

(Establishment Division Office Memorandum No· 42/5/52 MEI, dated the 14th March, 1953.)

II

It has been further decided that no posts should be placed on a permanent footing, where it had not been possible to do so before the issue of the Office Memorandum, referred to above. Any special cases should, however, be referred to the Establishment Division who will consider them on their merit.

(Establishment Division Office Memorandum No. 42/5/52-ME, dated the 8th June, 1953).

Relaxation of ban on confirmations :

Sl. No. 28 :

The attention of Ministries/Divisions, etc., is invited to the Establishment Division Memorandum No. 42/52-ME, dated the 14th March, 1953 and 8th June, 1953 placing a ban on confirmations. The question of the lifting of the ban on confirmations has been under the consideration of the Establishment Division for some time, and it has been decided in consultation with the Ministry of Finance that confirmations up to 80% of posts, both gazetted and non-gazetted, sanctioned on a permanent basis should now be allowed.

2. Ministries may please see that confirmations, including those already made under the previous orders before a ban was placed on confirmations, should in no case exceed the maximum percentage laid down above has been exceeded before the ban on confirmations was imposed under the previous orders. A report of all cases falling in the latter category should be made to the Establishment Division immediately. The confirmations should be made in accordance with the general orders contained in the Establishment Division Office Memorandum No. 42/32/48-Ests (ME), dated the 3rd June, 1949, (Sl. No. 37) and the subsequent

orders issued from time to time, and in accordance with the principles laid down in the Establishment Division Office Memorandum No. 23/12/49-Ests (SEI), dated the 19th June, 1950 (Sl. No. 44).

(Establishment Division Office Memorandum No. 42/5/52-ME, dated the 30th December, 1953).

Confirmation against 100% posts sanctioned on a permanent basis before 2nd June, 1954 :

Sl. No. 29 :

(1)

The attention of Ministries/Divisions, etc., is invited to the Establishment Division Office Memorandum No. 42/5/52-ME, dated the 30th December, 1953, in which orders were issued in regard to the lifting of the ban on confirmations up to 80% of the posts sanctioned on a permanent basis. Subsequently in the Establishment Division Office Memorandum No. 42/5/52-ME, dated the 4th February, 1954, orders were issued withdrawing the restrictions imposed on placing posts on a permanent footing. It has since been decided by Government that where permanent cadres of Central Services and posts had been settled in agreement with the Ministry of Finance, confirmations may be allowed against all posts sanctioned on a permanent basis before 2nd June, 1954. The confirmations should now be made by Ministries/Divisions, etc., in accordance with the general orders contained in the Establishment Division Office Memorandum No. 42/32/48-ME, dated the 3rd June, 1949 (Sl. No. 37), and the subsequent orders issued from time to time and in accordance with the principles laid down in the Establishment Division Office Memorandum No. 23/12/49-Ests. (SEI), dated the 19th June, 1950. (Sl. No. 44).

(Establishment Division Office Memorandum No. 42/5/52-ME, dated the 12th July, 1954).

(2)

Reference :—Establishment Division Office Memorandum No. 42/5/52-ME, dated the 12th July, 1954.

The question whether confirmations should also be allowed against posts placed on a permanent footing with effect from dates prior to the 2nd June, 1954 but orders about the placing of which on a permanent footing have issued after that date, has been considered in consultation with the Ministry of Finance and it has been decided that confirmations may be made against these posts also, irrespective of the date of issue of orders making them permanent.

(Establishment Division Office Memorandum No. 42/5/52 ME, dated the 23rd December, 1954).

Ban on the placing of posts on a permanent footing :

Sl. No. 30 :

Reference :—Establishment Division Office Memorandum No. 42/5/52-ME, dated the 12th July, 1954. (Sl. No. 29).

The matter has been considered further and it has been decided in consultation with the Ministry of Finance that since confirmations are not to be made against posts sanctioned on a permanent basis with effect from dates after the 2nd June, 1954, no posts should be placed on a permanent basis after that date.

(Establishment Division Office Memorandum No. 42/1/55 ME, dated the 3rd February, 1955).

Sl. No. 31 :

Some confusion appears to have arisen regarding the interpretation of the instructions contained in the Establishment Division Office Memorandum No. 42/1/55-ME, dated the 3rd February, 1955. In certain quarters the orders have been interpreted to mean that there is a total ban on the creation of permanent posts and on placing temporary posts on a permanent footing after the 2nd June, 1954. The correct position, however, is that while no new post can be created with effect from the 2nd June, 1954, or thereafter on a permanent basis, the posts which existed on a temporary basis from date prior to the 2nd June, 1954 can on a date subsequent to the 2nd June, 1954 be placed on a permanent footing, where justified, with retrospective effect, *i.e.*, from a date prior to the 2nd June, 1954, in consultation with the Ministry of Finance, and confirmations can be made against the posts so made permanent.

(Establishment Division Office Memorandum No. 42/1/55—ME, dated the 9th August, 1955.)

Sl. No. 32 :

According to Establishment Division Office Memorandum No. 45/5/52-ME, dated the 12th July, 1954 (Sl. No. 29), and No. 42/1/55-ME, dated the 3rd February, 1955 (Sl. No. 30), no confirmations can be made against posts placed on a permanent footing with effect from dates after the 2nd June, 1954, and no posts can be placed on a permanent footing with effect from dates after the 2nd June, 1954.

2. A question has arisen whether the above-mentioned Office Memoranda would apply to posts which are upgraded with effect from dates after the 2nd June, 1954. It has been decided in consultation with the Ministry of Finance that the Office Memoranda under reference do not apply to posts created on a permanent basis with effect from dates prior to the 2nd

June, 1954, and upgraded from dates thereafter. The affected persons should be retained as permanent incumbents of the upgraded posts after consultation with the Federal Public Service Commission/Selection Board, where necessary.

(Establishment Division Office Memorandum No. 13/6/57 ME, dated the 1st January, 1959).

Lifting of ban on creation of permanent posts and making confirmations against them :

Sl. No. 33 :

Reference :—Establishment Division Office Memorandum Nos. 42/5/52-ME, dated the 12th July, 1954 (Sl. No. 29) and 41/1/55-ME, dated the 3rd February, 1955 (Sl. No. 30).

It has now been decided by Government that the ban on creation of permanent posts and confirmations against them should be lifted and Ministries/Divisions authorised to create permanent posts, where necessary in consultation with the Ministry of Finance and to make confirmations against them in accordance with the rules.

(Establishment Division Office Memorandum No. 13/12/59-EXV, dated the 9th July, 1960).

Sl. No. 34 :

Attention is invited to the instructions contained in the Establishment Division Office Memorandum No. 13/12/59-EXV, dated the 9th July, 1960, in which ban on creation of permanent posts and confirmations against them has been lifted and the Ministries/Divisions authorised to create permanent posts, where necessary, in consultation with the Ministry of Finance and make confirmations against them in accordance with the rules. It appears that although the ban on creation of permanent posts and confirmations against them has been lifted, the Ministries/Divisions have not so far taken steps to place temporary non-gazetted posts wherever necessary on a permanent footing and confirm the staff who are eligible for confirmation in accordance with the rules. The Ministries/Divisions are, therefore, requested to take immediate action to place non-gazetted temporary posts wherever necessary on a permanent footing in consultation with their Financial Advisers/Ministry of Finance and make confirmations against them in accordance with the rules under intimation to the Establishment Division.

(Establishment Division O.M. No. 18/8/64 FII, dated the 17th February, 1965).

Annual review of temporary Gazetted posts with a view to placing them on a permanent footing :

Sl. No. 35 :

It has been observed that gazetted posts in various Departments/Offices are allowed to continue on temporary basis from year to year creating a sense of insecurity and frustration among the incumbents of such posts. After due consideration, Government have decided that annual review should henceforth be made of all temporary posts which have been in existence for a period from 3 to 5 years in order to bring them on the the cadres of the services concerned after placing them on a permanent footing.

2. Heads of all Departments under the Central Government are, therefore, requested to take immediate steps in respect of existing temporary posts and also review such cases annually.

(Establishment Division O.M. No. 18 Imp/64 (RWP), dated the 30th July, 1964).

Sl. No. 36 :

Reference.—Establishment Division O.M. No. 18-IMP/64-(RWP), dated the 30th July, 1964.

Government decision referred to therein relates only to gazetted posts and not to the non-gazetted posts.

(Establishment Division O.M. No. 18/8/64 F. II, dated the 7th October, 1964).

Procedure for making confirmations against permanent posts up to the rank of Assistant Secretary in the Secretariat and posts of equivalent status in Attached Departments.

Sl. No. 37 :

Reference.—Establishment Division Office Memorandum No. 42/32/48-Ests.(ME), dated the 19th January, 1949 (Sl. No. 23).

The following instructions are issued for making confirmations of individuals against 60% of the posts placed on a permanent footing in the Pakistan Central Secretariat (Ministries and Divisions) and their Attached Departments in Class IV of Government servants and the ministerial establishment up to and including Assistant Secretaries (*i.e.*, Clerks, Assistants, Superintendents, Assistant Secretaries, Steno-Typists and Stenographers) and posts in Attached Departments corresponding to the rank of Assistant Secretaries. The question as to which posts in Attached Departments should be treated as corresponding to

the post of Assistant Secretary should be decided by the Ministry concerned in direct consultation with the Ministry of Finance. It may be pointed out that only 60% of the posts sanctioned by the Ministry of Finance in each grade on a regular basis, as they exist on the date of this Office Memorandum (as against posts sanctioned for a specific purpose or for a particular period) should be placed on a permanent footing. In calculating the number of posts which should fall within the category of 60%, .5 and above should be taken as one post and fractions below .5 should be ignored.

2. Except in the case (if any) of Ministries in which there are combined cadres of ministerial establishment for their various Divisions, confirmations should be made against 60% of posts in each grade, in each Division or De partment separately, in accordance with the seniority lists prepared under the instruction contained in the Establishment Division Office Memorandum No. 33/1/48-Ests-(ME), dated the 15th March, 1948 (Pages 179—187, Chap. XVI Vol. II.)

3. Confirmations may be made with retrospective effect from 15th August, 1947. As a preliminary to confirmations, it will be necessary to determine in the first place the number of posts in each category against which confirmations can be made from the various dates on which there has been a change in the number of posts, between the 15th August, 1947 and the date of this Memorandum. Such number shall be the number of posts existing on a particular date, or 60% of the posts existing on the date of this Office Memorandum whichever is less, subject to the condition that the number of persons made permanent on any date does not exceed the number of posts existing on a subsequent date not going beyond the date of this Memorandum. 'A'

4. The next step will be the actual confirmation of individuals against these posts. While making confirmations it should be borne in mind that no individual is confirmed who does not fulfil the conditions laid down in this Memorandum, in respect of the post in which he is confirmed.

5. Illustrations of the above processes both in regard to determining the number of posts and confirming the individuals are given below :—

I. How to determine the number of posts against which confirmations can be made :

(*a*) In a particular Division or Department the number of posts in the grade of Assistants was/is as follows :—

(*i*) on 15th August, 1947	10
(*ii*) on 1st January, 1948	6
(*iii*) on 1st September, 1948	14
(*iv*) on the date of this Memorandum ..	20

In accordance with these instructions, the maximum of 12 posts (60% of 20) will be available against which confirmations can be made. Of these, 6 posts will be available from the 15th of August, 1947 in accordance with the formula at 'A' above, and 6 more will be available with effect from the 1st September, 1948 :

(*b*)

(*i*) Number of sanctioned posts on 15th August, 1947	20
(*ii*) Number of posts on the date of this Memorandum	10

Under 60% confirmations, only 6 posts will be available with retrospective effect from the 15th of August, 1947.

II. How to make confirmations of individuals against posts under (I) above :

(*a*) Out of 20 Assistants holding the 20 posts referred to in 1(*a*) above, only 6 may be confirmed with effect from 15th August, 1947, provided that these six men were employed as Assistants (or in higher posts) on that date. Six more Assistants can be confirmed with effect from 1st September, 1948, provided again that these men were employed as Assistants (or in higher posts) on that date. This would leave a total of 8 Assistants, out of the existing strength of 20 as un-confirmed.

(*b*) If there were 5 posts of Superintendent in any Division or Department on the 15th August, 1947, and 12 on the date of this order, then 5 persons can be confirmed as Superintendents with effect from 15th August. 1947, provided they have actually been employed as such (or in higher posts) since that date. If these 5 persons include any Assistants made permanent with effect from 15th August, 1947, a corresponding number of permanent vacancies in the grade of Assistants will be available against which an equal number of Assistants can be confirmed from that date. If two more posts of Superintendents were sanctioned, say from that 1st September, 1948, two more Superintendents can be confirmed from that date provided again that they have been employed as such (or in higher posts) since that date. The result of this again will be that two more Assistants can be confirmed from 1st September, 1948.

III. Effect of confirmations in the ascending order referred to above.

A was employed as

(*i*) Assistant (continuously employed as Assistant from 1942)	15-8-47 (Temporary)
(*ii*) Superintendent	1-9-48
(*iii*) Assistant Secretary .. -	1-1-49

He should first be considered for confirmation as an Assistant from 15th August, 1947. Thereafter, he should be considered for confirmation as a Superintendent with effect from 1st September, 1948. If he is confirmed as a Superintendent he will release a permanent vacancy in the grade of Assistants from 1st September, 1948, in which another Assistant can be confirmed. He cannot be confirmed as an Assistant Secretary as he has not put in 3 years' service as a Superintendent or Assistant Secretary (taken together) *vide* para 7 below. He can, however, continue as an Assistant Secretary on a temporary basis under the rules.

The above illustrations will work on a uniform basis from the lowest category of posts in a line right up to the highest in that, line *e.g.*, from routine grade clerks up to the Assistant Secretaries in the Secretariat.

The cases of persons who have retired or proceeded on leave preparatory to retirement since 15th of August, 1947 can also be considered for purposes of confirmation in accordance with these instructions.

4. A person who was permanent (including provisionally permanent and *quasi*-permanent) in a particular post under the *Central Government* of the undivided India, should be confirmed in a post corresponding thereto, *without any condition* with effect from 15th August, 1947. Other persons should be considered for confirmation in accordance with the relevant conditions laid down in this Office Memorandum in the remaining posts, if any, available in that grade under para 3 above. If the number of 'permanent' persons referred to above, exceeds the number of posts available for confirmation on the date of this Memorandum no further confirmations should be made in the grade until the excess number has been absorbed in future vacancies.

NOTE I.—As stated in Note I under para. 4(a) of the Establishment Division Office Memorandum, dated the 15th March, 1948 (Chapter XVI), '*quasi* permanent' means persons nominated by the Home Department of the late Government of India to a particular grade with the undertaking that, if they failed to secure confirmation for no fault of their own, they would be renominated to some other vacancy.

NOTE II.—The Auditor General has held that it would not be necessary to notify merely a continuance of the status held by a particular individual on 14th August, 1947, unless that status undergoes a change due to subsequent events.

5. These orders should be applied only to :—

(*a*) persons declared fit for permanent retention in the Government of Pakistan Secretariat and its Attached Departments according to the procedure laid down in this Division Office Memorandum, dated the 15th March, 1948. Persons declared fit for permanent retention in a lower grade in accordance with the Office Memorandum referred to above but subsequently promoted to a higher grade on a temporary basis,

should also be considered for confirmation in the higher grade in 60 per cent of posts, provided they are declared fit for permanent employment in the higher grade by the Departmental Promotion Committee concerned ;

(*b*) candidates declared qualified, or nominated by the Establishment Division on the results of the examination held by Federal Public Service Commission in May, 1947, for appointment to ' B ' grade and 'A' grade and the examination held by the Pakistan Public Service Commission for recruitment to the grades of Stenographers and Steno-Typists ; and

(*c*) persons appointed by transfer from Subordinate Offices under the schemes sanctioned by the Establishment Division in pursuance of the decision contained in para 3 of their Office Memorandum No. 54/1/48-Ests. (ME), dated the 24th August, 1948, (pages 140-141, Vol. III), including those appointed against 5 per cent of posts in the grade of Assistant 'A' grade under Establishment Division Office Memorandum No. 5/32/48-Ests. (ME), dated the 18th January, 1949 (page 158, Vol. III).

It will be observed from the above that persons, who could not be retained on a permanent basis in the Pakistan Central Secretariat or its Attached Departments in accordance with the Establishment Division Office Memorandum, dated the 15th March, 1948, and are not covered by (b) or (c) above, or those who have been appointed after the Independence on a purely temporary basis subject to replacement by Pakistan Public Service Commission qualified candidates, should not be considered for confirmation in accordance with these instructions.

6. All confirmations should be subject to "fitness" as determined by the Departmental Promotion Committees concerned, and approved by the Selection Board and Public Service Commission, where it is necessary under the rules, *e.g.*, in the case of Assistant Secretaries in the Central Secretariat, and subject to fulfilment of any other condition specifically laid down for the purpose, *e.g.*, success in a typewriting test in the case of Clerks.

7. *Assistant Secretaries.*—No body should be confirmed in the grade of Assistant Secretaries unless he has put in, on the date of issue of these orders, at least 3 years' continuous service (permanent or temporary) as an Assistant Secretary or a Superintendent, or in any other post in which service counts, under the rules, towards seniority in these grades, taken together. (Also *See* Sl. No. 40).

8. *Superintendents.*—No body should be confirmed as a Superintendent unless he has put in, on the date of issue of these

orders, at least five years' continuous service (permanent or temporary) as a Superintendent, or Assistant, or in any other post in which service counts, under the rules, towards seniority in these grades, taken together.

NOTE.—The question whether service in a particular post outside the normal line of the ministerial establishment counts towards seniority in the grade of Assistant, Superintendent or Assistant Secretary for the purpose of paras 7 and 8 above, should be settled in consultation with the Establishment Division.

9. *Assistants/'A' Grade Clerks.*—Assistants/'A' Grade Clerks should be confirmed without any training or test, subject to the condition that doubtful cases of ' fitness ' should be re-examined by the Departmental Promotion Committee concerned who should be asked to adopt a higher standard and re-consider their previous decisions where necessary. In such a case the Secretary of the Ministry concerned should also be associated with the Departmental Promotion Committee where he is not already associated.

10. *Clerks.*—No clerk in the Routine Division or ' B ' grade should be confirmed unless he has passed the test in typewriting conducted by the Pakistan Public Service Commission in accordance with the instructions already issued by the Establishment Division on the subject or has been specifically exempted by the Establishment Division from passing the test in question.

11. *Stenographers and Steno-Typists.*—Stenographers and Steno-Typists falling within categories (a) and (b) under para 2 of this Division Office Memorandum No. 45/1/48-Ests. (ME), dated the 27th March, 1948 (pp. 189—191, Chapter XVI, Vol. II) and those who have been nominated by the Establishment Division as qualified candidates on the results of the Pakistan Public Service Commission's examinations, should be confirmed in accordance with their seniority.

12. *Class IV Government Servants.*—Class IV Government servants, *e.g.*, Peons, Daftries, etc., should be confirmed in the order of their seniority in the grade concerned.

13. Persons who are not confirmed in 60 per cent of posts in a particular grade should continue in that grade on a temporary basis subject to other conditions, if any, which Government have already imposed or may impose in future in this connection. In order to relieve the anxiety of such persons as to their future in Government service, the Ministry of Finance have been requested to take immediate steps to consider the question :—

(*a*) declaring these persons as holders of temporary posts on a substantive basis ; and

(*b*) finalising the strength of the various Ministries to ascertain how many of the remaining 40 per cent of posts can be placed on a permanent footing without further delay.

14. The question as to the procedure which should be adopted in respect of persons employed in Organisations created temporarily for the present, is under consideration separately

and orders on the subject will issue shortly. With a view to protecting the *interests* of persons employed in these temporary Organisations by transfer from other offices in which confirmations can be made under these instructions, it is considered necessary that posts, in which they would have been confirmed in accordance with these instructions had they remained in their parent offices, should be reserved for them pending further instructions. Doubtful cases about Organisations in which posts should not be placed on a permanent footing should be referred to the Ministry of Finance.

15. The above principles for confirmation relate only to the staff in the Central Secretariat (Ministries and Divisions and their Attached Departments). They do not apply to staff in Subordinate Offices recruitment in which was normally made at the discretion of the Heads of offices concerned. In these offices, staff should be confirmed against 60 per cent of posts up to those corresponding to the rank of Assistant Secretary in the Secretariat, in accordance with the procedure laid down in the office concerned in undivided India. It may be mentioned in this connection that, as a general principle, all posts in Class II, and in the junior scale of Class I and equivalent services, should be considered to be not higher in status than the post of Assistant Secretary. As regards posts higher than those in the junior scale, the status of the post may be determined by a reference to the Ministry of Finance direct.

16. Similarly, confirmations in isolated posts in Attached Departments or technical posts in the Secretariat and Attached Departments which are not specifically mentioned in the above instructions, should be made against 60 per cent of posts, in accordance with the procedure laid down for confirmations in the Department concerned in undivided India.

17. It has been stated in para 2 above that confirmations should be made in accordance with the existing seniority lists based on the orders under which persons falling within the category of F.P.S.C. men......*i.e.*, 'eligibles' are as a class held senior to those falling the category of non-F.P.S.C. men......*i.e.*, 'ineligibles'. It has been decided that, in the case of promotions made after the issue of these orders, seniority in the grade to which promotion has been made should take effect from the date of promotion, regardless of the existing distinction between F.P.S.C. and non-F.P.S.C. men.

18. It is laid down in para 3 above that confirmation may be made with retrospective effect from 15th August, 1947. The extent to which monetary benefits with retrospective effect "AA" will be allowed as a result of confirmations made with retrospective effect is separately under the consideration of the Ministry of Finance.

[Establishment Division Office Memorandum No. F. 42/32/48-Ests. (ME), dated the 3rd June 1949].

"AA"—Please *see* Ministry of Finance Office Memorandum No. 3409-R. III/51, dated the 1st August, 1951 and subsequent orders.

Sl. No. 38 :

Certain points arising out of the application to concrete cases of the instructions issued in the Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 3rd June, 1949, regarding confirmations against 60 per cent of posts, were discussed in the meeting of Assistant Secretaries in charge of administration in the various Ministries/Divisions held in the Establishment Division on the 13th June, 1949. Of these, the important points, together with the conclusions reached in the Establishment Division thereon, are stated in the following paragraphs for information and guidance :—

2. *Posting of indviduals against vacancies.*

Illustration

Position on 15-8-47 *according to seniority*	*Position on* 3-6-49 *according to seniority*
A	A
B	B
C	C
D	X
	D
Maximum No. of posts available for confirmation—4.	Maximum No. of posts available for confirmation—4.

If confirmations are made with reference to the position as it stood on 15th August, 1947, D can also be confirmed along with A, B and C. If, however, confirmations are made with reference to the position as it stood on the 3rd June, 1949, only A, B, C and X can be confirmed and not D, because he is junior to X. The point for consideration is as to how confirmations should be made.

Confirmations should be made with reference to the position as it stood on the 3rd June, 1949. For this purpose the following formula should be kept in view :—

(*i*) Determine the maximum number of posts available for confirmation in the grade concerned during the period from 15th August 1947 to 3rd June, 1949 ;

(*ii*) From the seniority list as it stood on the 3rd June, 1949, set aside the top-most individuals equal to the number of posts as at (i) above ;

(*iii*) Post the individuals referred to at (ii) above against the posts concerned from the dates they have been occupying those posts continuously, subject of course to the other conditions laid down in the Office Memorandum, dated the 3rd June, 1949.

3. *Seniority after confirmation* :

Illustration

Order of seniority :	*Dates from which confirmed*
A	15th August, 1947 (FPSC-man.)
B	1st December, 1947 (FPSC-man).
C	15th August, 1947 (non-FPSC-man.)

The point for consideration is whether the confirmation of C from an earlier date would make him senior to B who has been confirmed from a later date.

The reply is in the negative. Confirmations should not disturb the seniority as it stood on the 3rd June, 1949. The retrospective effect of the confirmation is only an additional concession and should not affect the relative seniority of the individuals concerned as it stood on 3rd June, 1949, and determined, under the rules. As stated in para 17 of the Office Memorandum, dated the 3rd June, 1949, the distinction between 'F.P.S.C.-men' and 'non-F.P.S.C.-men' will be abolished only with reference to promotions made after the 3rd June, 1949.

4. *Confirmations and condition of continuous service.*

Illustration

A—has already fulfilled the condition of 5 years' service.
B— will fulfil the condition.
C—has already fulfilled the condition.

Maximum number of posts available for confirmation—2.

Whether A and B should be confirmed or A and C ?

A should be confirmed immediately and the other post should be reserved for B until he has fulfilled the condition of 5 years' service, when he should be confirmed with retrospective effect from the date on which he can be confirmed under the orders contained in the Office Memorandum, dated the 3rd June, 1949. C cannot be confirmed in preference to B—his senior—on the ground that the former has fulfilled the condition of 5 years' service.

5. *Persons transferred to other offices since 15th August, 1947.*

(*a*) There are persons who have been transferred to other offices since the 15th August, 1947. The point for consideration is whether they should be considered for confirmation in their previous offices with effect from the dates on which they were employed in those offices.

Ordinarily, cases of inter-Departmental transfers should be settled mutually by the offices concerned. With a view, however, to attaining uniformity of treatment, it has been decided that, except in the case of an individual who was specifically warned before he secured a transfer to some other office that by doing so he would cease to have any connection with his previous office, persons transferred to other offices should be considered for confirmation in their previous offices prior to the dates of their transfers, and in their new offices subsequent to that date.

If an individual is confirmed in his previous office from a particular date and in his new office from a subsequent date, he would automatically release, from this subsequent date, the post in which he was confirmed in his previous office. If he is not confirmed in his new office, he should be treated as on deputation to that office until he has been confirmed in that office.

> *N.B.*—Persons who were permanent (including provisionally permanent and *quasi*-permanent) in the Central Government in undivided India will, in any case, be confirmed in corresponding posts with effect from 15th August, 1947, in offices in which they were employed on that date.

(*b*) Another point which arises out of this issue would be clear from the following illustration :—

A—employed in the office (x) in a particular grade from 1st September, 1947.

B—employed in office (Y) in the same grade on 15th August, 1947, is transferred to (x) in the same grade on 1st January, 1949. His turn for confirmation does not come in office (Y) but he is confirmed in office (x) with effect from 1st January, 1949.

The point for consideration is whether B will become junior to A, who will be confirmed from 1st September, 1947.

B will not become junior to A because—

(*i*) the service rendered in that grade in his previous office from 15th August, 1947, counts towards seniority in that grade in office (x). In view of this, he is senior to A in office (x) ; and

(*ii*) as stated in para 3 above, the seniority as it stood on 3rd June, 1949, should not be disturbed by the dates of confirmation.

6. Another point raised was how confirmations should be made in offices/branches which formed part of one Ministry/Division on the 15th August, 1947, but were separated therefrom on some subsequent date, and thereafter either constituted a separate entity or were amalgamated with some other Ministry/Division.

It is difficult to devise any general principle to govern such cases. The best course would be for the Ministries/Divisions concerned first to discuss these cases mutually with a view to arriving at an agreed settlement. These cases can then be discussed by the representatives of those Ministries with the Establishment Division...........

[Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 18th June, 1949.]

Confirmation in technical and isolated posts :

Sl. No. 39 :

Para 16 of the Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 3rd June, 1949 (Sl. No. 37), refers to confirmations in isolated posts (including technical posts) against the quota of 60 per cent. A question has arisen whether isolated posts in different categories should be grouped together for the purpose of calculating the number of posts available for confirmations against the quota of 60 per cent or whether they should be taken up separately. The position is that, in the case of officers belonging to one and the same grade, they have combined seniority list and the senior-most person would be made permanent according to the number of posts placed on a permanent footing against 60 per cent quota. The junior persons in the combined seniority list can, therefore, have no genuine cause for grievance if their turn for immediate confirmation does not come.

In the case of isolated posts, however, there is no combined seniority list. In view of this, it would be difficult to decide which of the officers employed against various isolated posts grouped together should be made permanent immediately and which of them should be left out for confirmation subsequently when the remaining 40 per cent of the posts were made permanent. It has accordingly been decided not to group isolated posts in different categories together ; and percentages should be worked out with reference to posts in each category separately. This would in an extreme case, mean that where there is one single isolated post, the post would be placed on a permanent footing and its incumbent made permanent forthwith, if he fulfils the conditions for confirmation. In case such as this, the appointing authority should always be satisfied that the post has been sanctioned on a regular basis and is likely to be made permanent in due course.

[Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 31st August, 1949.]

Confirmation in the grade of Assistant Secretaries :

Sl. No. 40 :

Reference :—Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 3rd June, 1949. (Sl. No. 37.)

The existing position in the Secretariat is that posts have been sanctioned as Under Secretaries, Under Secretaries/Assistant Secretaries and Assistant Secretaries and that, while all posts

sanctioned as Assistant Secretaries are held at present by persons belonging to the Central Secretariat Service, some of the posts sanctioned as Under Secretaries and Under Secretary/Assistant Secretary are also held by officers of the Central Secretariat Service and the others by non-Secretariat officers, *e.g.*, officers belonging to the Pakistan Administrative Service (now C.S.P.), General Administrative Reserve, etc.

The question has arisen as to the number of posts in the grad of Assistant Secretaries against which confirmations should be made in accordance with the instructions contained in the Memorandum referred to above. After careful consideration of the various factors involved, it has been decided, in consultation with the Ministry of Finance, that of the total number of posts sanctioned on a *regular* basis as Under Secretaries, Urder Secretaries/Assistant Secretaries and Assistant Secretaries, and which are at present held by officers of the (old) Imperial Secretariat Service, now generally known as the Central Secretariat Service, 60 per cent should be made permanent and the remaining 40 per cent should be treated as substantive-pro-temporary. The following illustration is aimed at making the position clear :—

Posts sanctioned on a regular basis		*Posts at present held by officers of the Central Secretariat Service.*
Under Secretaries	6	1
Under Secretary/Assistant Secretaries ..	4	2
Assistant Secretaries	2	2
	12	5

Posts which should be made permanent ..	60% of 5=3.	
Posts which should be treated as substantive temporary	5—3 =2	
Posts which should be considered as having been sanctioned for the purpose of these orders as those of Assistant Secretary	5	12
Posts which should be considered as having been sanctioned for the purpose of these orders as those of Under Secretaries ..	7	

2. It is requested that the number of posts in each Ministry Division against which confirmations can be made as Assistant Secretaries should be calculated in accordance with the above principle and confirmations made against 60 per cent thereof, in accordance with the instructions contained in the Establishment Division Office Memoranudm No. F. 42/32/48-Ests. (ME), dated the 3rd June, 1949.

3. This is without prejudice to the question of the distribution of the posts of branch officers between Assistant Secretaries and Under Secretaries.

[Establishment Division Office Memorandum No. F. 42/32/48-Ests. (ME), dated the 17th October, 1949].

Confirmation in the Selection Grade of Stenographers :

Sl. No. 41 :

Reference is invited to the Ministry of Finance Office Memorandum No. 2(47)-RII(I)/54, dated the 13th June, 1955 (Annexure) in which it has been proved that ordinary grade and selection grade of a stenographer are two grades of one and the same post and promotion of a person from the ordinary grade to the selection grade of a cadre does not mean a change of post. A question has arisen whether it can be assumed that once an individual is appointed to the selection grade, he automatically becomes substantive or it is necessary to issue separate orders of confirmation in the selection grade. Posts in the selection grade represent a given percentage of the total number of permanent as well as temporary posts of ordinary grade. In the circumstances with the increase or decrease in the establishment of an office the strength of the selection grade posts is also correspondingly affected and as such all selection grade posts cannot obviously be treated as permanent.

2. The matter has been carefully considered by the Ministry of Finance in consultation with the Comptroller and Auditor General and it has been held that even if a person is fully qualified to hold a permanent post in the selection grade and satisfies all the conditions connected therewith, the individual concerned cannot be regarded as holding the permanent post substantively unless formal orders of his confirmation in that post are issued.

[Ministry of Finance O. M. No. F. 9(14) RI.(RWP)/61, dated 13th December, 1961.]

ANNEXURE

COPY OF THE M/FINANCE O.M. No. 2(47)-RII(I)/54 dated the 13TH JUNE, 1955.

According to F.R. 30, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or unless the post in which he is appointed to officiate is one of those enumerated in the schedule to that Rule. A question has been raised whether for the above purpose appointment to the Selection Grade involves the assumption of duties and responsibilities of greater importance than those attaching to posts in the ordinary grade. The position is that Ordinary Grade and Selection Grade are 2 grades of one and the *same* post. Promotion of a person from the Ordinary Grade to the Selection Grade of a cadre does not

mean a change of posts and consequently does not involve assumption of duties and responsibilities of greater importance for the purpose of F.R. 30.

Confirmation in the grade of Record Sorters :

Sl. No. 42 :

A question has arisen whether a permanent Daftry, on promotion to the grade of Record Sorter should or should not be confirmed in the latter grade. Since the grades of Record Sorters and Daftries are separate grades, and distinct from one another, it has been decided in consultation with the Ministry of Finance that separate confirmations should be made in these two grades.

(Establishment Division Office Memorandum No. 42/28/55-ME, dated 27th July, 1957.)

Directly recruited Assistants to be confirmed from the date of the completion of the probationary period :

Sl. No. 43 :

It has come to the notice of the Establishment Division that doubt exists in some quarters on the point whether confirmation of an Assistant appointed against a clear permanent vacancy by direct recruitment on the results of the Ministerial Services (Assistants) Examination should, on the conclusion of his probationary period, be made from the date of his appointment, or from the date on which he completes the period of his probation. The matter has been considered by the Establishment Division in consultation with the Ministry of Finance, and it has been decided that a directly recruited Assistant should be confirmed in his appointment from the date on which he completes the period of his probation and not from the date of his original appointment as such.

(Establishment Division Office Memorandum No. 42/30/55-ME, dated the 1st June, 1957.)

Confirmation against permanent posts higher in status than that of Assistant Secretary in the Secretariat and in Attached and Subordinate Offices :

Sl. No. 44 :

(*Paras* 1—3 *reproduced under Sl. No.* 23).

4. The following principles will be observed in making confirmations (against isolated or miscellaneous posts in various

Ministries and Divisions higher in status than that of Assistant Secretary in the Secretariat and posts of corresponding rank in Attached Departments and Subordinate Offices) :—

(*i*) Only such posts as have been sanctioned on a regular basis, and not for specified periods or in connection with temporary items of work, will be taken into consideration in determining the percentage of posts to be made permanent. The number of posts in each category which should be made permanent should be determined with the concurrence of the Ministry of Finance ;

(*ii*) Posts in Ministries/Divisions/Departments which have not been created on a permanent basis, will not be available for confirmations ;

(*iii*) If any of these posts in the Ministries are held by members of the regular services, their confirmations in such posts as are placed on a permanent footing will not precede their confirmations as members of those services ;

(*iv*) Confirmation of individuals in posts which are placed on a permanent footing will be made only if the officers concerned have been recruited in accordance with the relevant recruitment rules, have completed their probation satisfactorily and have passed the prescribed departmental examination.

5. The Establishment Division should be consulted before any confirmations are made in pursuance of these orders. The Ministry of Finance, etc. should, however, examine the cases of all officers belonging to the same cadre who are considered eligible for confirmation before a reference is made to the Establishment Division. Piecemeal references should be avoided as far as possible.

6. The above excludes posts of Under Secretary and above in the Secretariat. These posts are normally held by officers of certain specified services, such as the P.A.S., P.A. and A.S., etc., on a tenure basis. The period of tenure for each post has not been laid down and no confirmations against such posts should be made for the time being. Some of the posts are, however, held by officers of the Secretariat Service and officers who do not belong to any regular service. The question whether, and to what extent, confirmations should be allowed against posts placed on a permanent footing, of Secretariat Service officers and officers who do not belong to any regular services, will be separately considered. If, however, any case involving real hardship should arise, the matter should be referred to the Establishment Division.

*7. Confirmations may be made with retrospective effect from the 15th August, 1947. The extent, however, to which monetary benefits with retrospective effect will be allowed as a result of

"AA" confirmation made with retrospective effect is separately under the consideration of the Ministry of Finance.

8. The Ministry of Finance, etc. are requested to finalise without further delay the cadre strengths of the regularly constituted services, with which they are concerned. Cadre Committees be appointed as early as possible, where this has not already been done, to determine the permanent requirements of the various services and to finalise their cadre strengths. The Establishment Division should be furnished with monthly reports showing the progress made in this respect. The first report should be furnished on the 1st August, 1950 and subsequent reports at monthly intervals.

[Establishment Division Office Memorandum No. F. 23/12/49-Ests. (SEI) dated the 19th June 1950.]

Sl. No. 45 :

Orders were issued in the Establishment Division Office Memorandum No. F. 23/12/49-Ests. (SE.I.), dated the 19th June, 1950 that 60% of posts higher in status than that of Assistant Secretary in the Secretariat and posts of equivalent status in Attached Departments, etc. should be placed on a permanent footing. The percentage was subsequently raised to 80 (*Sl. No.* 24). Posts of Under Secretary and above in the Secretariat were excluded from the purview of the percentage confirmation orders, *vide*, paragraph 6 of the Office Memorandum of the 19th June, 1950, referred to above, until the tenure of such posts was decided. Orders regarding tenure have since issued *vide* Establishment Division endorsement No. 33/7/49-SEI, dated the 5th December, 1951. (Sl. No. 6).

2. The question of confirmation in tenure posts in the Secretariat has now been considered, and it has been decided that confirmations against all tenure posts may be made subject to tenure, *i.e.*, for the periods of tenure. Where, however, the tenure posts are held on a regular basis by officers of services to whom the tenure orders do not apply, confirmations will be made without restrictions of tenure.

3. In the case of posts in the Secretariat corresponding to posts of Under Secretary/Deputy Secretary, the question whether they should be treated as tenure or non-tenure posts should be considered by the Ministries concerned, and a decision taken in consultation with the Establishment Division, before the question of the confirmation of the incumbents of those posts is taken up.

4. Confirmations in tenure posts will be made only in cases where the incumbents have been appointed to such posts with the approval of the prescribed authorities (Selection Board, etc.) and on a regular basis (*i.e.*, not in an officiating capacity in short term vacancies). It has further been decided that, in every case of the incumbency of a tenure post, it will be a condition precedent to

"AA" *Pl. *see* Ministry of Finance O. M. No. 3409-R,III/51 dated the 1st August, 1951 and subsequent orders.

confirmation that the officer concerned has completed six months of service in that post to the satisfaction of Government.

5. All proposals regarding the confirmation of officers in the tenure posts in the Central Secretariat should be referred to the Establishment Division. To enable them to ensure that, in the scheme of confirmations covered by these orders, there is no encroachment on the quota of the Secretariat posts reserved for the C.S.P. and that confirmations are made in the order of appointmentof the incumbents of the Secretariat posts, it has been decided that cases of confirmation of officers in the posts in question should be referred to the Establishment Division together, and not piecemeal. The Ministry of Finance, etc. are, therefore, requested to refer to the Establishment Division any such proposals in a self-contained reference which should reach the Establishment Division by the 31st July, 1952.

6. The Establishment Division have already announced the confirmation of C.S.P. officers in the senior scale ; the question of their confirmation in Secretaiat posts will now be taken up.

7. The tenure posts (of Under Secretary, Deputy Secretary) are at present held by :

(1) Officers of the :

(*i*) C.S.P.

(*ii*) Central Services.

(*iii*) Provincial Civil Services.

(*iv*) Armed Forces.

(*v*) General Central Services.

(*vi*) General Administrative Reserve.

(*vii*) Secretariat Service.

(2) Contract officers.

(3) Officers of the P.C.S. (of Indian Provinces) serving, at the time of Independence, in the Central Secretariat and given the right of option.

The tenure orders apply to officers of the services mentioned at 1(i)—(iv) above and not to others. There is no question of the confirmation of contract officers in the posts to which they have been appointed or may be appointed during the currency of their contracts.

8. The constitution of the C.S.P. provides that —

(1) not less than....................................

2/3rds of the posts of Deputy Secretary at the Centre shall be reserved for officers of the C.S.P. ; and

(2) not less than 2/3rds of posts of Secretary and Joint Secretary at the Centre taken together shall be reserved for the C.S.P.

9. Some of the posts of Under Secretary & Deputy Secretary are held by officers of the G.A.R., appointed on a contract basis. Confirmation of officers of the G.A.R. will be considered after orders have been passed on a proposal now under consideration to give interminable contracts to those who may be selected for continued appointment till the age of superannuation (Chapter XII, Vol. II).

10. Cases of officers who do not belong to any of the regularly constituted services, including officers of the P.C.S. of Indian Provinces, who were serving, at the time of Independence, in the Central Secretariat and were given the right of option, will be a class apart. Each such case should be considered, with a view to deciding the future of the officers concerned, in consultation with the Establishment Division. Reference in this connection is invited to the Establishment Division Office Memoranda Nos. 59/4/49-Ests. (ME), dated the 26th September, 1950 (Sl. No. 48) and 42/27/50-ME, dated the 4th April, 1951 (Sl. No. 49).

11. Confirmation will be made with effect from the 15th August, 1947 or from the date of appointment, whichever is later.

(Establishment Division Office Memorandum No. 22/13/51-SEI, dated the 10th July 1952).

Special cases in which confirmations have been allowed or forbidden.

Sl. No. 46 :

This Memorandum is in continuation of para. 14 of the Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 3rd June, 1949 (Sl. No. 37).

The question as to the Organisations in which confirmations should not be made against 60% of the posts has been considered and it is thought that so far as the post-Independence Organisations are concerned it would not be advisable to make any permanent commitments in the Ministry of Refugees and Rehabilitation and the Ministry of Kashmir Affairs. The staff in these Ministries comprises :—

(*a*) persons borrowed from other Ministries and Departments ;

and

(*b*) persons appointed direct.

As regards (a), the persons concerned should be considered for confirmation in their parent offices in accordance with the instructions contained in the Establishment Division Office Memorandum dated the 3rd June, 1949, and allowed to continue on deputation with their present Ministries.

As regards (b), the persons concerned have been employed on a temporary basis on the distinct understanding that their temporary employment will not confer on them any claim for or title to permanent employment in the Pakistan Central Secretariat and its Attached Departments. They are, therefore, not eligible for confirmation and can continue only on a temporary footing as at present.

2. During the war, certain Organisations were created purely on a temporary footing and the work done in these offices in Pakistan suggests that they are not likely to continue indefinitely. An instance of these Organisations is the offices in which work connected with various rationing schemes is being done. There are also the unemployment Bureaus and Organisations connected with Central Training Schemes. It is considered that it would equally be in-advisable to create any permanent liability in these offices. It is accordingly requested that Ministries should scrutinize the lists of Organisations under their adminsrtrative control and instruct such of them as they consider are not likely to be retained permanently not to make confirmations against 60% posts. As stated above offices dealing with work in connection with rationing schemes should definitely fall within this category. Doubtful cases should be decided in consultation with the Ministry of Finance direct. That Ministry should also be furnished with lists of all offices showing separately those in which confirmations have been made against 60% of posts and those in which confirmations have not been made. Persons employed on deputation from other offices in which confirmations are not made should be considered for confirmation in their parent offices in accordance with the instructions contained in the Establishment Division Office Memorandum dated the 3rd June, 1949. This should be done by the offices concerned by mutual arrangements.

3. It may be made clear that it should not be taken for granted that Organisations will be retained definitely on a permanent or temporary footing according as it is decided to make confirmations therein against 60% of posts or not. This question, which is outside the scope of this Office Memorandum, will be considered by Government in due course (and the decision taken by Government will, of course, be final on the point). The instructions contained in this Office Memorandum are only to ensure that no permanent commitments are entered into in respect of offices in which the work done appears at present to be of a temporary character.

[Establishment Division Office Memorandum No. F. 42/32/48-Ests. (ME), dated the 8th June, 1949].

Confirmation of persons employed on work connected with Pakistan before or after 15th August, 1947 ; persons who opted for India provisionally and subsequently changed their option to Pakistan final, etc. :

Sl. No. 47 :

It has been stated *vide* Establishment Division Office Memorandum No. F. 42/32/48-Ests. (ME), dated the 3rd June, 1949 that confirmations against 60 % of posts can be made with retrospective effect from 15th August, 1947. In this connection, a question has arisen as to the dates from which persons falling under the following categories should be made permanent under the Pakistan Government :—

(*a*) Persons who were employed on work connected with the Pakistan Government from a date before 15th August, 1947 by special arrangement with the Government of India ;

(*b*) (*i*) Persons who had opted for Pakistan but were retained by the Government of India after 15th August, 1947 ;

(*ii*) Persons who opted for India provisionally in the first instance and changed their option to Pakistan final subsequently and joined the Pakistan Government after the change of their option ; and

(*c*) Persons who could not join their respective offices in Pakistan immediately after they were relieved of their duties in India due to the circum,tances beyond their control *vide* Establishment Division Office Memorandum No. 47/10/48-Ests. (ME), dated the 29th Apil, 1948 read with their Office Memorandum of even number, dated 6th March, 1948 (pages 172-173, Vol. II).

2. As regards persons under category (a) above, they cannot be confirmed from a date earlier than the 15th August, 1947, for the obvious reason that there was no Pakistan Government before that date and whatever arrangements were made to get such persons relieved of their previous duties should, therefore, be treated as purely informal. They should be considered to be employees of the Government of undivided India upto 14th August, 1947, doubtful or unsettled cases being decided in consultation with the Government of India.

3. As regards persons falling within category (b), it has since been decided by the Government of Pakistan in consultation with the Government of India, that Central Government servants who had opted for Pakistan but were retained by the Government of India after 15th August, 1947 as well as those who opted provision-

ally for India and subsequently changed their option to Pakistan final should be treated as on foreign service till they joined the duty in Pakistan *vide* Ministry of Finane Office Memorandum No. 21/1/R.I/48, dated the 21st April, 1950 (pages 175-176 Vol. II).

In view of this decision, it has been decided that persons who opted for Pakistan but were retained by the Government of India after 15th August, 1947 as well as those who had opted provisionally for India and later changed their option toPakistan final should be considered for confirmation with effect from 15th August, 947 in accordance with the rules.

4. As regards persons falling under category (c) above, the period of their absence from duty in Pakistan should be condoned and they should be considered for confirmation in continuation of their previous service in India. It may be reiterated that this concession should apply only to those persons who were allowed to join their duties in Pakistan in accordance with the instructions contained in the Establishment Division Office Memoranda, dated the 29th April, 1948 and 6th March, 1948 referred to above or the relaxation given by the Establishment Division thereon in special cases.

[Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 19th October 1949 as amended by Memorandum of same number, dated the 5th August, 1950.]

Persons who held permanent appointments in the Provincial Governments of undivided India :

Sl. No. 48 :

1. .. .. .. — .. —

2. Persons who held permanent posts in a Provincial Government in undivided India, and who have been accepted as optees in favour of Pakistan, but who have not yet been confirmed, will fall under the following categories :—

(*a*) persons who were declared surplus and whose services terminated, after due notice, in accordance with the instructions contained in the Establishment Division Office Memorandum No. 34/6/48-Ests. (ME), dated the 31st July, 1948 (pages 242—244, Vol. III).

(*b*) persons who were declared as surplus but who were retained for employment on a purely temporary basis with the warning that their services will be terminated after due notice at a future date, *vide* Establishment Division Office Memorandum No. 34/6/48-Ests. (ME), dated the 17 th August, 1948 (page 244, Vol. III).

(*c*) persons who were on the 15th August, 1947 employed against *regular posts* which correspond to those held by them permanently in a Provincial Government in the undivided India but who could not be confirmed in

those posts as their turn for confirmation did not come within the 60% *quota* ;

(*d*) persons who, on the 15th August, 1947, were employed against *regular posts* which did not correspond to those held by them permanently before the Independence ; and

(*e*) persons who have been employed in Pakistan against isolated posts which have not been placed on a permanent footing but who, under any special orders, were not declared surplus and have been retained in service on the understanding that they will be confirmed in other posts.

3. There is no question of the confirmation of persons belonging to categories (*a*) and (*b*) above.

4. As regards the cases falling within categories (*d*) and (*e*) in para 2 above, it has been decided to create for such officers supernumerary posts equivalent in rank to those held by them at the time of the Independence in a permanent capacity. These persons should be made permanent against supernumerary posts so created with retrospective effect from 15th August, 1947, and be allowed to continue to officiate in their present appointments while holding a lien on the supernumerary posts. If and when they are confirmed in their present higher posts, the supernumerary posts created for them should be abolished.

5. Necessary action to create supernumerary posts for the officers in question should be taken by the Ministry/Division concerned in consultation with the Ministry of Finance, and a copy of the orders sanctioning such posts should be endorsed to the Establishment Division in due course.

6. As regards persons falling under category (*c*) above, it has been decided that the posts in the 40% quota, which they held on 15th August, 1947, should be made permanent forthwith, and the persons concerned should be confirmed therein with retrospective effect from 15th August, 1947. If the persons concerned are at present officiating in some higher posts, they may continue to officiate in those posts while holding a lien on the lower posts in which they are confirmed with effect from 15th August 1947. Their confirmation will be made in excess of the 60% quota and no further confirmation should be made in the grade until the excess number has been absorbed in future vacancies.

7. Persons who are confirmed as Lower Division Clerks in the Pakistan Central Secretariat and its Attached Departments in accordance with the instructions contained in this paragraph should not be required to pass a test in typewriting before their confirmation. In this connection attention is invited to the last sentence in paragraph 2 of the Establishment Division Office Memorandum No. 42/32/48-Ests(ME), dated the 11th November 1949 read with paragraph 3 thereof (pages 192-193, Vol. III).

8. Where doubt is felt as to the posts which should be considered equivalent to the posts held by the persons concerned on a permanent basis on the 14th August, 1947, the question should be settled in consultation with the Ministry of Finance direct.

9. It may be pointed out that the special dispensation allowed in this Office Memorandum for the purpose of confirmation of the persons concerned has been sanctioned only to protect the persons concerned against any loss if they are not confirmed with effect from 15th August, 1947, in continuation of their previous permanent service. The confirmations so made will not in any way, place them in an advantageous position *vis-a-vis* their colleagues who still await their confirmations in accordance with the normal rules. It is requested that this fact should be specifically mentioned in the orders which are issued in connection with the confirmations of the persons in question, and should also be made known to the members of the staff concerned to avoid any misunderstanding.

10. Necessary Gazette Notification should be issued in respect of persons who are made permanent in Gazetted posts in accordance with the provisions of this Office Memorandum. A list of the persons made permanent either in Gazetted or non-Gazetted posts should be furnished to the Establishment Division giving necessary particulars of the posts which the persons concerned held permanently in undivided India at the time of the Independence and the posts in which they have been confirmed, stating specifically whether supernumerary posts have been created for the purpose, or whether the persons concerned have been confirmed against posts included in the 40% quota.

[Establishment Division Office Memorandum No. F. 59/4/49-Ests. (ME), dated the 26th September, 1950.]

Persons who held permanent appointments in Subordinate Offices in undivided India and were employed in the Central Secretariat or its Attached Offices at the time of Independence:

Sl. No. 49 :

It was decided in 1949 that persons in permanent Government service in undivided India who had come over to Pakistan as optees should hold a lien on corresponding posts in Pakistan with effect from the 15th August, 1947, and, in view of this decision, it was provided in paragraph 4 of the Establishment Division Office Memorandum No. 42/32/48-Ests.(ME), dated the 3rd June, 1949, relating to 60% confirmations, that persons who were permanently employed in the Central Secretariat or its Attached Offices before the Independence should be confirmed without any condition in corresponding posts in Pakistan with

effect from 15th August, 1947. However, those instructions did not cover the cases of the following classes of Government servants :—

(*a*) persons who held permanent posts in Provincial Governments but were employed under the Central Government at the time of Independence and who came over to Pakistan as optees ; and

(*b*) persons who held permanent posts in Subordinatel Offices and were employed temporarily in the Centra- Secretariat or its Attached Offices at the time of Independence but whose turn for confirmation in the Pakistan Central Secretariat or its Attached Departments had not come under the orders issued in the Establishment Division Office Memorandum of the 3rd June, 1949, mentioned above.

2. The position of those referred to under (*a*) above has since been settled by the issue of Establishment Division Office Memorandum No. F. 59/4/49-Ests. (ME), dated the 26th September 1950, and it is to cover the cases of those in (*b*) above that the present instructions are being issued.

3. Persons belonging to class (*b*) above may be divided into the following categories :—

(*i*) persons belonging to Subordinate Offices, the counterparts of which have been created in Pakistan ;

(*ii*) persons belonging to Subordinate Offices, the counterparts of which have not been created in Pakistan.

4. The cases of persons belonging to (*i*) above, should present no difficulty, since these persons will continue to hold liens on their permanent posts in the Subordinate Offices to which they belong, until they have been confirmed in the Pakistan Central Secretariat or its Attached Department in accordance with the rules. As regards (*ii*) above, their case is analogous to that of the persons referred to in paragraph 1(*a*) above. In view of this, it has been decided that the orders contained in paragraphs 2—10 of the Establishment Division Office Memorandum No. F. 59/4/49-Ests. (ME), dated the 26th September, 1950 (Sl. No. 48) should equally apply to these persons, *mutatis mutandis*.

5. It will be observed that the instructions contained in the preceding paragraphs relate to the cases of persons who, before Independence held permanent posts in Subordinate Offices in undivided India, the counterparts of which have not been created in Pakistan. It is possible that there are persons at present employed in Subordinate Offices in Pakistan who before Independence held permanent appointments in Subordinate Offices in undivided India, the counterparts of which have not been created in Pakistan. The cases of such persons should be decided by the Ministry concerned in the light of the instructions contained in the preceding paragraphs.

(Establishment Division Office Memorandum No. 42/27/50-ME, dated the 4th April, 1951.)

Out of turn confirmation of persons on the verge of retirement and retrospective confirmation of persons already retired :

Sl. No. 50 :

I. Persons on the verge of retirement.

It has been decided that, if a person employed against a post in the 20% quota who is on the verge of his retirement is willing to retire or to proceed on leave preparatory to retirement, he would be eligible for confirmation in the appropriate post in the light of the instructions contained in the Establishment Division Office Memorandum, dated the 3rd June, 1949, and subsequent orders issued from time to time, *irrespective of whether all others senior to him have been confirmed or not*. Each such case should, however, be referred to the Ministry of Finance indicating as far as possible, that the post occupied by the Government servant concerned is expected to become permanent as essential to the Cadre/Strength of the Ministry/Department concerned. If ultimately it is decided to confirm him, he should be asked to apply in writing for permission to retire or to proceed on leave preparatory to retirement and in no circumstances will be allowed to withdraw his application to retire or to proceed on leave preparatory to retirement.

(Para 4 of the Establishment Division Office Memorandum No. 42/43/50-ME dated 6th June, 1951.)

Sl. No. 51 :

II. Persons already retired.

Reference Establishment Division Office Memorandum No. 42/43/48-Ests. (ME), dated the 3rd June, 1949 (Sl. No. 37) and subsequent orders on the subject of confirmations with retrospective effect. A number of Government servants retired before the issue of the above orders and others have retired, or may retire, before their case for confirmation was/is decided. Under the existing rules, it is not permissible to confirm a Government servant in his temporary or officiating appointment after he has retired from it but in order to avoid hardship in the cases referred to above, the President has been pleased to decide, in relaxation of the ordinary rules, that Government servants who retired since the 15th August, 1947, or may hereafter retire from service up to the 31st March, 1954 may also be considered, in accordance with the orders referred to above as in force from time to time, for confirmation with retrospective effect in the appointments held by them before retirement. On confirmation, such Governments servants also will be entitled to the monetary benefits laid down in this Ministry's Office Memorandum No. 3409-R. II/51, dated the 1st August, 1951.

(Ministry of Finance Office Memorandum No. 6(68)-R. I./51, dated the 13th December, 1951.)

NOTE:—*Benefits accruing as a result of confirmations.*— For orders issued by the Ministry of Finance with reference to paragraph 18 of the Establishment Division O. M. No. 42/32/48-Ests., dated the 3rd June, 1949 (SL. No. 37), attention is invited to that Ministry's O. M. No. 3409-R. III/51, dated the 1st August, 1951 (at Sl. No. 330 of the Ministry of Finance's Compilation of General Orders 1947—56.)

Confirmation of optees in grades lower than those in which they opted :

Sl. No. 52 :

According to the instructions contained in the Establishment Division Office Memorandum No. 42/32/48-Ests. (ME), dated the 3rd June, 1949 (Sl. No. 37) confirmation should be made in the ascending order. For this purpose it was held that the start has to be made from the position which the Government servant concerned occupied on the 15th August, 1947. This has resulted in hardship to an appreciable number of optees inasmuch as they have not been confirmed in any post under the Central Government before 1st January, 1949 and thus they are not entitled to Protection under the Revision of Pay Rules. With a view to mitigating hardship to such optees, the question has been under consideration for some time past whether such persons should be allowed to be confirmed in grades lower than those in which they were employed at the time of Independence. It has been decided, in consultation with the Ministry of Finance, that such optees should be considered for confirmation in grades lower than those in which they opted subject to the following conditions :—

(*i*) Permanent posts against which confirmations are made should be available from a date prior to 1st January, 1949 ;

(*ii*) Permanent posts should not be made available by cancelling orders of confirmation or of regular appointment of persons who have already been confirmed or appointed on a regular basis.

If there is any such person for whom a permanent post is not available prior to 1st January, 1949, his case should be dealt with on merits in consultation with the Establishment Division and the Ministry of Finance.

(*iii*) Persons to be confirmed should satisfy the relevant conditions for confirmation in the grade concerned ;

(*iv*) No confirmation should be made in a grade lower than the grade in which the Government servant was originally recruited ;

(*v*) No confirmation should be made in a post which an individual has not held ;

(*vi*) Confirmations should be made subject to the general rules issued from time to time on the subject.

(Establishment Division Office Memorandum No. 65/5/53-ME, dated the 10th March, 1955.)

Consultation with C.P.S.C. before confirmation :

Sl. No. 53 :

With reference to the Ministry of Law letter No. F. II(9)/51-E, dated the 18th April, 1951, to the Pakistan Public Service Commission, (of which a copy was forwarded to the Establishment Division) in which the Pakistan Public Service Commission were asked to approve the confirmation of Mr. Habibullah, it is pointed out that, under the Establishment Division Office Memorandum No. 2(49)-EO/49, dated the 6th June, 1949, the Pakistan Public Service Commission are not concerned with confirmation, as such. It is for the Pakistan Public Service Commission to approve Mr. Habibullah's appointment as Assistant Secretary ; if they approve the appointment, it will then be for the Ministry of Law to take action under the Establishment Division Office Memorandum No. 2(49)-EO/49, dated the 6th June, 1949, for Mr. Habibullah's confirmation.

(Establishment Division Office Memorandum No. 5/3/51-SEII, dated the 2nd May, 1951 addressed to the Ministry of Law.)

NOTE:—Normally it is not incumbent on a Ministry/Division, etc., to consult the Commission in cases of confirmation unless specific provision to that effect is made in the Recruitment Rules applicable to the service/post concerned. If such a provision exists, Rule 15(viii) of in Rules framed by the C.P.S.C. for regulating the conduct of its business, shall apply.

Sanction for relaxation of age limit and production of medical fitness certificates in the case of optees before confirmation :

Sl. No. 54 :

Article 51 of the Civil Service Regulations requires that a person whose age exceeds 25 years may not ordinarily be admitted into the service of the State in superior pensionable service without the sanction of the Head of the Department concerned. Some of the temporary staff, who have come over to Pakistan as optees and whose turn for confirmation against 60% of posts might now arise [*vide* Establishment Division Office Memorandum No. F. 42/32/48-Ests. (ME), dated the 3rd June, 1949], were admitted into Government service at an age exceeding 25 years. A question has been raised whether, in the case of these Government servants, it is necessary to issue individual sanctions in terms of Article 51 of the Civil Service Regulations. Since the confirmation of persons who had opted for Pakistan is being made under exceptional circumstances, it is considered that individual sanctions need not be insisted upon. The President has been accordingly pleased to decide that the appointments of all those who are holding non-gazetted posts and have been declared fit for permanent retention should be deemed to have been sanctioned by competent authority under Article 51 of the Civil Service Regulations. The relaxation will apply also to those

who were initially recruited to non-gazetted posts, but were subsequently promoted to gazetted posts. Necessary sanction in the case of other gazetted officers should be issued individually in consultation with the Establishment Division and the Ministry of Finance.

2. Another question has arisen whether the temporary staff who will now be made permanent would be required to produce a medical certificate of fitness before they are confirmed. In this connection the attention of the Ministry of the Home Affairs, etc., is invited to the Government of India's decision No. (2) below Supplementary Rule 4 and it is stated that the Government servants who on their temporary or officiating appointment were not medically examined by a Commissioned Medcial Officer or by a Medical Officer-in-charge of a Civil Station, should be examined by such officer on their confirmation in permanent posts.

[Ministry of Finance Office Memorandum No. F. 6(17)-R. I./49, dated the 28th September, 1949.]

Sl. No. 55 :

Attention is invited to paragraph 2 of the Ministry of Finance Office Memorandum No. F. 6(17)-RI/49, dated the 28th September, 1949, regarding medical examination on confirmation. In the case of Government servants on deputation to Pakistan Embassies, who on their temporary or officiating appointments were not medically examined by a Commissioned Medical Officer or by a Medcial Officer-in-Charge of Civil Station in India, in the case of pre-Independence recruits, or in Pakistan, in case of others, medical ecrtificate in the form prescribed in Supplementary Rule 3 from the official medical attendant of the Embassy concerned may be accepted for confirmation.

2. Temporary Government servants eligible for confirmation who have not been examined by a Civil Surgeon in Pakistan on their first appointment should be examined by a Civil Surgeon in Pakistan before they are posted abroad so that their fitness for confirmation in Government service eventually be determined before they proceed abroad.

[Ministry of Finance Office Memorandum No. F. 6(18)-R. I./53, dated the 18th July, 1953.]

Confirmation in higher posts in an other cadre :

Sl. No. 56 :

F.R. 14-A(*b*) provides that the lien suspended under F.R. 14(*a*) (2) cannot be terminated while the Government servant remains in Government service except on his written request. The effect of this provision is that in a case where a Government servant is appointed in a subsantive capacity to a permanent post outside the cadre on which he is borne, he can retain his suspended lien in his parent cadre for the entire period of his service under the Government, *vide* Government decision below

F.R. 14-A. It is possible that the exercise of this right will result in certain administrative difficulties in some cases.

2. These rules have been framed with a view to safe-guarding the legitimate rights of Government servants. It is not contemplated that their provisions should be so exploited as to cause administrative inconvenience to Government. In a case, therefore, where the competent administrative authority feels that the retention of a suspended lien on the post by a Government servant after his appointment in a substantive capacity to an *ex*-cadre post, for an indefinite period thereafter, if the consent required for its termination under F.R. 14-A(*b*) is not given, is likely to cause administrative inconvenience, it is open to that authority not to allow, as a purely administrative measure, the making of the substantive appointment on the *ex*-cadre post. This is fully permissible and is not connected with the provisions of these rules. The Ministries and Divisions, etc., may kindly note this for guidance and issue suitable instructions to the administrative authorities subordinate to them, emphasising the necessity of having this point considered *before* substantive appointments in *ex*-cadre posts of Government servants holding liens or suspended liens in the cadres administered by them are allowed. In this connection attention is invited to the Ministry of Finance endorsement No. 600-RIII/52, dated the 6th March 1952, (Chapter IX, Section A) according to which borrowing Departments, etc., are required to consult the lending Departments before confirming lent officers in the posts under the former's control.

[Establishment Division Office Memorandum No. 8/36/59-E. XII, dated the 13th March, 1961.]

Confirmation of Deputationist :

Please see Section A, Chap:er IX.

Show-cause notice before de-confirmation :

Sl. No. 57 :

Establishment Division have had under consideration for some time the question whether a Government servant whom it is proposed to de-confirm in order to rectify an administrative error, should be allowed an opportunity to show cause against his de-confirmation. Though, an opportunity to show cause, in such a case, is not a legal necessity, it would be desirable to afford such opportunity to obviate any possible challenge in Courts.

[Establishment Division Office Memorandum No. 3/140/58-EV, dated the 6th September, 1960.]

SECTION B

RESIGNATION, TERMINATION OF SEVICES AND DESERTION FROM DUTY.

Resignation of permanent Government servants :

Sl. No. 58 :

A question has been raised whether the undertaking given by a temporarty Government servant at the time of his entering

service, that he shall give one month's notice of his intention to resign or in default forfeit to Government a sum not exceeding one month's pay, remains binding on that employee or lapses from the time he is confirmed. It is stated that the undertaking of the kind mentioned above lapses when the persons concerned become permanent, as notice is not provided for in the case of permanent Government servants.

2. The position regarding permanent Government servants is different. 'Permanent Service' is the result of a bilateral contract for the termination of which the consent of both the employer and the employees is necessary. If a permanent Government servant tenders his resignation, he continues to be in service until the resignation is accepted, for the reason that, for the cancellation of the contract of service, the consent of the other party is also necessary. Till his resignation is accepted, the employee continues to be in the employment of the employer and, if he absents himself from duty, he incurs a penalty prescribed for such default which may be dismissal in certain cases. A permanent Government servant, therefore, continues to remain in service till his resignation is accepted.

[Establishment Division Office Memorandum No. 13/5/49-Ests. (SE), dated the 17th May, 1949].

System of obtaining undertaking for giving notice prior to resignation from temporary ministerial staff :

Sl. No. 59 :

It has been decided that, on the lines of the instructions issued in pre-Independent India, an undertaking in the following form should be obtained at the time of appointment from all new recruits to temporary vacancies in the Ministerial Establishment (including Steno-Typists and Stenographers) in the Central Secretariat and its Attached Departments, appointed hereafter :—

"I understand that my employment under Government is temporary and that my services may be terminated at any time after notice for a period of not less than thirty days but without any reasons being assigned. I agree that if I wish to resign my employment, I shall give notice in writing, for a period of not less than thirty days, of my intention to resign, or in default, forfeit to the Governor-General such sum, not exceeding my pay for one month, as the appointing authority may fix ".

2. Persons at present employed against purely temporary vacancies, other than those who have been selected for retention in service against regular posts, under the provisions of the Establishment Division Office Memoranda No. 33/1/48-Ests. (ME),

dated the 15th March, 1948 (Chapter XVI) and No. 45/1/48-Ests. (ME), dated the 27th March, 1948 (Chapter XVI), should also be required to sign the above undertaking.

3. If an employee who has signed the above undertaking, gives due notice and resigns his employment after the expiry of that notice, he will incur no penalty. If, however, such an employee absents himself from duty without giving the prescribed notice, or before the expiry of such notice, he will, unless a satisfactory explanation is forthcoming, be guilty of misconduct for which he may be debarred by the Head of the Office concerned from future employment under Government. His pay for one month or such lesser sum as may be due to him will also be forfeited to Government.

4. The term "pay" as used in the form of undertaking prescribed above has the same meaning as is given to it in rule 9(21) of the Fundamental Rules.

5. Offers of appointment on a temporary basis in the Ministerial Establishment of the Central Secretariat and its Attached Departments should in future contain a provision to the effect that candidates will be required to sign undertaking laid down in para. 1 above on joining appointment.

[Establishment Division Office Memorandum No. 5/13/48-Ests. (ME), dated the 8th September, 1948.]

Sl. No. 60 :

It has been decided, in view of the consensus of opinion, that the period of notice should in future be reduced to a fortnight. It is accordingly requested that the words "a fortnight" should be substituted for the words "30 days" or "one month" occurring in the form of undertaking prescribed in the Establishment Division Office Memorandum of even number, dated the 8th September 1948.

2. The temporary staff who have already given the undertaking in the form prescribed in the Office Memorandum, dated the 8th September, 1948, should be given the option to retain their existing undertakings or to give a fresh undertakings in the form modified in accordance with the instructions of this Office Memorandum.

[Establishment Division Office Memorandum No. F. 5/13/48-Ests. (ME), dated the 3rd August, 1949.]

Relaxation of condition of notice of resignation in respect of ex-servicemen employed in civil offices who are selected for re-enrolment :

Sl. No. 61 :

Under existing instructions, temporary staff employed in the Pakistan Central Secretariat and its Attached Departments are

required to give one month's/fortnight notice of their intention to resign their appointments, or in lieu, to forfeit to Government a month's/fortnight's pay. It has been represented by the Ministry of Defence that this condition operates harshly in the case of *ex*-soldiers employed in civil offices of the Central Government who wish to enrol in the Armed Forces and are accepted for re-employment by Recruiting Officers. The question has been considered in the Establishment Division who are of the view that although frequent resignations on the part of *ex*-servicemen may cause inconvenience to the offices in which they are employed, it is in the interests of the State that *ex*-servicemen when required for re-enrolment should be relieved of their duties with the least possible delay, since Army requirements should have preference over normal work on the Civil side. It has accordingy been decided that the condition of any notice, or pay in lieu thereof, which temporary Government servants are required to give, under the instructions issued by the Establishment Division in case they intend to resign, should be relaxed in the case of *ex*-servicemen who are actually selected for re-enrolment by Recruiting Officers. For this purpose, call up notices issued by the Recruiting Officers to the *ex*-servicemen concerned should be considered as sufficient proof to show that the person concerned has been actually selected for re-enrolment.

[Establishment Division Office Memorandum No. 5/11/49-Ests. (ME), dated the 14th July, 1949.]

Acceptance of resignation during pendency of disciplinary proceedings :

Sl. No. 62 :

The instructions contained in the Establishment Division Office Memorandum No. 5/3-A/52-ME, dated the 6th January, 1953 (Annex.) can be interpreted to mean that the resignation of a Government servant whose conduct is under enquiry can be accepted and the orders of dismissal or discharge can be passed in due course. The legal position, however, is that any orders of dismissal or discharge passed after retirement or resignation will be void, and inoperative on the ground that the person concerned does not remain in service as soon as his resignation has been accepted. The instructions contained in the Office Memorandum, dated the 6th January, 1953, have, therefore, been considered further by the Establishment Division in consultation with the Ministry of Law and the following clarification is issued for the guidance of the Ministries, etc. :—

(*a*) Service of a temporary Government servant who has signed the undertaking laid down in the Establishment Division Office Memorandum No. 5/13/48-Ests.(ME), dated the 8th September, 1948, read with the Office Memorandum of the same number, dated the 3rd August, 1949, can be terminated by the Government on 14 days' notice.

(*b*) If such a Government servant wants to terminate his employment, he should give 14 days' notice of his intention to resign to his employer ;

(*c*) On the 14th day he should submit his resignation ;

(*d*) The employer may or may not accept his resignation ;

(*e*) If his resignation is not accepted on any ground, including the ground of disciplinary action outstanding against him, he continues to be in service inspite of his having given 14 days' notice of his intention to do so ;

(*f*) He should not absent himself from office without leave ;

(*g*) If his resignation is accepted, he does not continue his service, and his presence in office should not be insisted upon ;

(*h*) In the event of his resignation having been accepted the disciplinary action standing against him, should not be proceeded with as he cannot be punished for the reason that he does not continue in service ;

(*i*) The undertaking prescribed for temporary employees in the Establishment Division Office Memorandum No. 5/13/48-ME, dated the 8th September, 1948 read with the Office Memorandum of the same number, dated the 3rd August, 1949, does not reserve any right in a temporary Government servant to terminate his employment by mere notice. He has to resign his post on the expiry of the notice and the resignation does not become effective unless it is accepted by Government,

(Establishment Division O.M. No. 1/34/57-ME, dated the 12th November, 1957 read with O.M. No. 1/34/57-ME, dated the 9th May, 1958.)

NOTE :—Please also *see* Sl. No. 65.

ANNEXURE (Only for reference)

A question arose whether temporary employees who have signed the prescribed undertaking should be allowed to resign if disciplinary proceedings are pending against them. It has been decided, in consultation with the Ministry of Law, that if such a Government servant gives the prescribed notice of his intention to resign or forfeit his pay to the President in lieu thereof, his continuance in service should not be insisted upon. The person concerned should, therefore, be relieved of his duties ; but the departmental proceedings against him may be continued if considered necessary and formal orders passed.

(Establishment Division Office Memorandum No. 5/3-A/52-ME, dated the 6th January, 1953.)

Modification in the form of undertaking :

Sl. No. 63 :

An undertaking has been prescribed for persons appointed against temporary vacancies in the Ministerial Establishment of the Central Secretariat and Attached Departments *vide* Establishment Division Office Memorandum No. 5/13/48-Ests. (ME), dated the 8th September, 1948 (Sl. No. 59). A legal point has been raised to the effect that, as the undertaking in question is a contract of service, it is liable to a stamp duty of Re. 1. This point has been considered, and it has been decided, that the following clause should be added to each of these undertakings :—

> 'It is agreed that the stamp on this instrument shall be payable by the Crown '.

It may be explained that, since the Crown in such cases is exempted by reason of proviso II to Section 3 of the Stamp Act, 1908, these instructions would be valid without a stamp.

2. It is requested that the necessary addition may kindly be made to the undertakings which have been or which may in future be, obtained from the persons concerned. But, in the case of past undertakings the undertaking should be signed afresh after the addition.

(Establishment Division Office Memorandum No. 5/13/49-ME, dated the 24th July, 1951.)

Sl. No. 64 :

In paragraph 3 of the Establishment Division Office Memorandum No. 5/13/48-Ests. (ME), dated the 8th September, 1948 there is a provision for debarring employees from future Government service in certain circumstances. As, however, no reference is made to this provision in the undertaking, difficulty is experienced in implementing it.

2. In order to make the position clear to ministerial staff recruited on a temporary basis, Ministries/Divisions are requested to bring the contents of paragraph 3 of the Office Memorandum referred to above to the notice of all concerned. So far as future recruits are concerned, the following clause should be added in the undertaking referred to in paragraph 1 of the Office Memorandum under reference :—

> 'I also understand that if I absent myself from duty without giving the prescribed notice or before the expiry of such notice, I shall, unless I can give a satisfactory explanation, be liable to disciplinary action, which may involve disqualification from future employment under Government '.

(Establishment Division Office Memorandum No. 5/11/52-ME, dated the 19th August, 1952.)

Sl. No. 65 :

According to the instructions contained in the Establishment Division Office Memorandum No. 5/13/48-Ests. (ME), dated the 8th September, 1948, read with Office Memorandum No. 5/13/48-ME, dated the 3rd August, 1949, and No. 5/11/52-MEI, dated the 19th August, 1952, a temporary Government servant is required to sign the following undertaking :—

'I understand that my employment under Government is temporary, and that my services may be terminated at any time after notice for a period of not less than fortnight but without any reasons being assigned. I agree that if I wish to resign my employment, I shall give notice in writing, for a period of not less than a fortnight, of my intention to resign, or in default, forfeit to the President such sum, not exceeding my pay, for a fortnight, as the appointing authority may fix.

I also understand that if I absent myself from duty without giving the prescribed notice or be fore the expiry of such notice, I shall, unless I can give a satisfactory explanation, be liable to disciplinary action, which may involve disqualification from future employment under Government.

2. According to the instructions contained in para 1(*f*) of the Establishment Division Office Memorandum No. 1/34/57-ME, dated the 12th November, 1957 (Sl. No. 62), a temporary Government servant cannot absent himself without leave, before his resignation is accepted. The mere fact that he has given the prescribed notice for the termination of his employment does not mean that he can absent himself after the expiry of the notice period. The position is that his resignation is still to be accepted and before its acceptance he cannot absent himself without leave. Thus the second para of the undertaking referred to in para 1 above is not in accordance with para 1(*f*) of the Establishment Division Office Memorandum, dated the 12th November, 1957. It has, therefore, been decided in consultation with the Ministry of Law that para 2 of the undertaking may be revised as follows :—

'I also understand that if I absent myself from duty before the acceptance by Government of my resignation from my employment, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.'

Ministries/Division are, therefore, advised that all future temporary recruits may be asked to sign the undertakings as amended above.

3. The temporary staff who have already given the undertaking in the form in vogue prior to the issue of this amendment should be given option to retain their existing undertakings, or to give a fresh undertaking in the form modified in accordance with the instructions contained in this Office Memorandum.

[Establishment Division Office Memorandum No. 1/34/57-(ME), dated the 28th May, 1958.]

Sl. No. 66 :

According to the existing orders, a temporary Government servant who wishes to terminate his services is required to give a fortnight's notice as well as to resign. It has been represented that resignation and its acceptance having been made necessary, the notice required for the termination of services in such cases is unnecessary.

2. The Establishment Division feel that the objection made against the existing form of undertaking is justified. Accordingly, it has been decided in consultation with the Law Division that in future every temporary Government servant should be required to sign an undertaking in the following form :—

1. 'I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days ;

2. I agree that if I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted ;

3. I also understand that if I absent myself from duty without resigning in writing or before the acceptance by Government of my resignation, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government ;

NOTE—Nothing contained in paragraph 3 shall have any effect in derogation of any order issued under Pakistan Essential Services (Maintenance) Act, 1952 (Act No. XIII of 1952.)

4. It is agreed that the stamp on this instrument shall be payable by the State.'

3. The temporary Government servants who have already given the undertaking in the form in use prior to the issue of this Office Memorandum should be allowed the option to retain their existing undertakings or to give a fresh undertaking in the form prescribed in paragraph 2 above.

4. This supersedes all previous instructions on the subject.

(Establishment Division Office Memorandum No. 8/20/61-FI, dated the 28th July, 1962 as amended by O.M. of same number, dated the 26th January, 1963 and 2nd July, 1963.)

Sl. No. 67 :

A reference is invited to the Establishment Division O.M. No. 8/20/61-FI, dated the 28th July, 1962 as amended by their Office Memorandum of even number, dated the 26th January,

1963, and it is requested that the following note may kindly be inserted below clause 3 of the form of undertaking prescribed therein :—

"N. B.—Nothing contained in paragraph shall have any effect in derogation of any order issued under the Pakistan Essential Services (Maintenance) Act, 1952 (Act No. XIII of 1952)."

2. The form of undertaking, as amended up to date, is reproduced on the reverse (Annexure) for the sake of convenience. With reference to clause 4 thereof, it should be noted that since the State in such cases is exempt by reason of proviso (1) to Section 3 of the Stamp Act, 1899 (No. II of 1899), the instrument of the undertaking would be valid without a stamp.

3. The temporary Government servants who have already given the undertaking in the form in use prior to the issue of this Office Memorandum should be allowed the option to retain their existing undertakings or to give a fresh undertaking in the revised form. Each temporary Government servant who retains his existing undertaking should be asked in writing to note that nothing contained in the undertaking signed by him at the time of joining Government service shall have any effect in derogation of any order issued under the Pakistan Essential Services (Maintenance) Act, 1952 (Act No. XIII of 1952).

(Establishment Division Office Memorandum No. 8/20/61 F.I, dated the 2nd July, 1963).

ANNEXURE

Form of undertaking to be signed by temporary Government servants. *(as amended up to date).*

"I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days.

2. I agree that if I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted.

3. I also understand that if I absent myself from duty before acceptance of my resignation by Government, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.

N. B.—Nothing contained in paragraph 3 shall have any effect in derogation of any order issued under the Pakistan Essential Services (Maintenance) Act, 1952 (Act No. XIII of 1952).

4. It is agreed that the stamp on this instrument shall be payable by the State."

Forfeiture of pay in lieu of notice period :

Sl. No. 68 :

If a temporary Government servant submits resignation from service without notice, the Head of the Department concerned is competent to accept his resignation without forefeiting his pay if the circumstances of the case so warrant.

2. The power is discretionary.

(Establishment Division u.o.Dy.No. 2394/58-SE, dated the 15th August, 1958 to the Ministry of Health & Labour S. W.&. C. D. Division.)

Procedure for termination of services of temporary Government servants :

Sl. No. 69 ;

References have been received in the Establishment Division from time to time from Ministries regarding the procedure to be adopted for the termination of services of temporary employees, both as a disciplinary measure and on ground not connected with misconduct, etc. The question has been examined in consultation with the Ministry of Law and the following clarification of the rules is issued for the guidance of all concerned.

*2. In a case where the services of a person employed on condition that the temporary employment can be terminated on a prescribed notice on either side without any reason being assigned are proposed to be terminated, for any reason other than as a disciplinary measure, it will be in order if he is given notice for prescribed period or pay in lieu of notice for that period, and his services dispensed with. *(Please *see* note below.)

3. In a case where the person concerned is proposed to be dismissed or removed from service as a measure of punishment, then —

(*a*) if the Civil Services (Classification, Control and Appeal) Rules are applicable to him, the procedure laid down in rule 55 will be observed and the Government servant concerned will be given an opportunity to show cause against the proposed action, so as to satisfy the requirements of Section 240 of the Government of India Act, 1935 ;

(*b*) In case the Classification Rules do not apply, it will be necessary to give him an opportunity to show cause against the proposed action, in accordance with the provisions of Section 240 of the Act.

4. If the services of an employee are terminated in accordance with the procedure laid down in the preceding paragraph, it will be unnecessary to give him notice for the prescribed period before he is actually removed from service, because, where there

is a dismissal (with all its effect on future employment under the Government) or a removal, the ground of the action being disciplinary and related to a fault of conduct, the right to notice is forfeited by reason of the conduct which has led to the dismissal.

[Establishment Division Office Memorandum No. 13/26/50-Ests. (SE), dated the 24th January, 1951.]

*NOTE.—In view of Estt., Div., O.M. No. 2/2/66 dated the 1st July, 1966 action under para 2 may be taken only with regard to temporary employments made on or after the 8th June, 1962.

(Establishment Division U.O. No. 1002/66 D.I, dated the 13th Dec. 1966.)

Sl. No. 70 :

Until recently it was the established practice that the services of the temporary government servants could be terminated by a simple notice, according to the terms of their appointments, without assigning any reason. *Recently in a case the Supreme Court of Pakistan has, however, ruled that termination of services of temporary Government servants who were appointed prior to the 8th June, 1962 by a simple notice even according to the terms of the appointment is without lawful authority and is of no legal effect. This ruling of the Supreme Court has substantially changed the legal position with regard to the temporary Government servants.

2. In partial supersession of all previous instructions in this regard it has now been decided in the Establishment Division in consultation with the Law Division that although it is permissible to terminate the services of temporary Government servants who were appointed on or after 8th June, 1962 by a simple notice according to the terms of their appointments without assigning any reason, it will not be legally permissible to terminate the services of the temporary Government servants who entered into service on or before the 7th June, 1962 by a simple notice without assigning any cause even though it is according to the terms of their appointments. In case of the latter category of Government servants it will always be necessary to give them an opportunity of showing cause against the proposed termination of their services, under the relevant rules as applicabe to them.

(Establishment Division O.M. No. 2/2/66-D.I., dated the 1st July, 1966.)

*NOTE.—This ruling of the Supreme Court will not apply to cases where the services of a temporary Govt. Servant are terminated on abolition of posts due to economy or reorganisation or general retrenchment.

Procedure for termination of services of Officers employed on contract.

Sl. No. 71 :

It has been decided by the Government that officers employed on contract normally be given 3 months notice clause in the contract.

2. All concerned are therefore, requested to keep in view the above decision when appointing an officer on contract and to stipulate in the agreement that the services of the officer employed on contract may be terminated on 3 months' notice on either side even before expiry of the period of the contract.

(Establishment Division O.M. No. 13/2/66-D.I., dated the 27th June, 1966.)

Temporary Employment Rules, 1965 :

Sl. No. 72:

In exercise of the powers conferred by clause (1) of Article 179 of the Constitution, the President is pleased to make the following rules, namely :—

1. (1) These rules may be called the Temporary Employment Rules, 1965, and shall come into force at once.

(2) They shall apply to every person who is in the temporary employment of the Central Government.

2. In these rules, unless there is anything repugnant in the subject or context,—

(1) "Government" means the Central Government;

(2) "temporary employment" means employment by the Government of a person in a civil capacity otherwise than—

(*a*) on a permanent basis, or

*(*aa*) on a temporary basis.—

(*i*) for an indefinite period, or

(*ii*) against a post continued from year to year or for successive periods unless a fresh order of appointment, embodying information to the effect that the employment shall continue to be subject to these rules, is issued to the incumbent of the post each time the post is extended, or

(*b*) as a probationer, or

(*c*) on probation, or

(*d*) on contract, or

(*e*) as a workman as defined in the Industrial Disputes Ordinance, 1959 (LVI of 1959), or

(*f*) on deputation from a Provincial Government ; and

(3) "temporary employee" means a person who is in temporary employment, †[except in a Pakistan Mission abroad.]

3. A person who is not a citizen of Pakistan shall not be eligible for temporary employment :

Provided that this rule may be relaxed by the Government in special cases.

*Inserted *vide* Estt. Division O.M. No. 4/1/64-F.I., dated 24th November, 1966.

†Inserted *vide* Estt. Division Notifications No, dated 16th July, 1965

4. (1) The Government may terminate the services of a temporary employee at any time, without assigning any reason by giving a notice in writing for a period not less than fourteen days, or payment, in lieu of the notice, of a sum equivalent to his pay for fourteen days or for the period by which the notice falls short of fourteen days.

(2) A temporary employee who wishes to terminate his services under the Government at any time shall resign in writing but shall thereafter continue to serve the Government till his resignation is accepted in writing.

(3) A temporary employee who, after resigning as provided in sub-rule (2), absents himself from duty before the acceptance of his resignation by the Government in writing shall be liable to disciplinary action for misconduct, which may involve his disqualification from future employment under the Government.

(4) Notwithstanding anyting contained in sub-rules (1) to (3), a temporary employee who, prior to the coming into force of these rules, signed an undertaking in the form prescribed for the time being for temporary employees shall continue to be governed by the terms and conditions of such undertaking, unless he elects in writing, within three months of the date of coming into force of these rules, to be governed by these rules.

(5) Nothing in this rule shall be in derogation of any orders issued under the provisions of the Pakistan Essential Services (Maintenance) Act, 1952 (LIII of 1952).

*(6) This rule, in its application to a locally recruited temporary employee of a Pakistan Mission abroad, shall have effect subject to such modification which shall be specified by the Head of the Mission, as may be necessary to meet the requirement of the law of the land.

‡ " (7) The age of retirement of the temporary Government employees shall be 55 years. "

@ Provided that this sub-rule shall not be construed as retiring from service before the 14th day of December, 1967, any person who had completed the fifty-fifth year of his age prior to that date.

5. In all other matters not provided for in these rules, temporary employees shall be subject to such laws, rules, orders, instructions as the Government may, from time to time, issue. †[..............................].

[*No.* 4/1/64-*F.I*]

(Establishment Division Notification No. S.R.O. 116(K)/65 dated the 6th February, 1965.)

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*Clause (6) inserted *vide* Estt., Division Notification No. dated the 16th July, 1965.

† Amended *vide* Notification No. dated the 16th July, 1965.

‡Clause (7) inserted *vide* Estt. Div. notification No. SRO 2028 (K)/67, dated the 14th December, 1967.

@ Proviso to Glansce (7) inserted *vide* Estt. Div. Notification No. dated the 5th April, 1968 [No. 4/1/64-F. I].

Temporary employment of migrants from India possessing Emergency Certificates :

Sl. No. 73 :

Under the priviso to rule 3 of the Temporary Employment Rules, 1965 issued under Establishment Division notification No. S.R.O. 116 (K)/65, dated the 6th February, 1965, it has been decided that rule 3 of the said Rules should be relaxed in the case of persons migrating from India to Pakistan on Emergency Certificates issued by the Pakistan authorities concerned. The rule should, therefore, be treated to have been relaxed in the case of such persons and they should be treated as eligible for temporary employment under the Government.

2. The decision may please be brought to the notice of all oncerned.

(Establishment Division O.M. No.2/3/66-D-V, dated the 11th October, 1966).

Sl. No. 73 *A* :

Forwarded herewith (Annexure) is a copy of notificcation No. S.R.O...............(K)/66, makin g an amendment in the Temporary Employment Rules, 1965, and it is stated that in view of the provisions thereof, it is of the utmost importance that when temporary employment is offered to any person, a definite period of employment should be specified in the offer and each time it is decided to continue such a person in temporary employment, a fresh offer, specifying the further probable period for which the temporary employment shall continue, should be made to him *before* the expiry of the period of employment specified in the last offer.

(Establishment Division O.M. No. 4/1/64-F. 1, dated the 24th November, 1966.)

ANNEXURE

Annexure to Establishment Division Office Memorandum No. 4/2/64-F.I, dated the 24th Novembev, 1966.

Karachi, the 23rd November, 1966.

NOTIFICATION

No. S.R.O.————————(K)/66.—In exercise of the powers conferred by clause (1) of Article 179 of the Constitution, the President is pleased to direct that in the Temporary Employment

Rules, 1965, the following further amendment shall be made and shall be deemed always to have been so made, namely :—

In the aforesaid Rules, in rule 2, in sub-rule (2) after clause (a) the following new clause (aa) shall be inserted, namely :—

"(aa) on a temporary basis—

(i) for an indefinite period, or

(ii) against a post continued from year to year or for successive periods unless a fresh order of appointment, embodying information to the effect that the employment shall continue to be subject to these rules, is issued to the incumbent of the post each time the post is extended, or".

Grant of Service Certificates to temporary Government Servants on termination of their service.

Sl. No. 74 :

Cases have arisen in which temporary Government servants after having resigned or having been discharged from service, have applied for the grant of service certificate. No Government orders on this subject exist at present and accordingly doubts have been felt whether such certificates should or should not be given, and also as to the form in such certificates, if granted, should be drawn up. The matter has been examined in the Establishent Division, and it is considered that there is no objection to such certificates being issued specifying —

(i) the nature and the duration of appointment held by the person concerned ;

(*ii*) reasons for the termination of his services, and whether his work was satisfactory ; and

(*iii*) whether the office concerned has any objection to the person concerned being appointed in another Government office.

2. In order that there may be a uniform practice in all Ministries/Divisions in this matter, the enclosed specimen may be used for these certificates.

3. It may be added that, although no requests for such certificates should normally be refused, the certificates cannot be demanded as a matter of right.

FORM OF CERTIFICATES

1. Mr.——————————has been employed in this Ministry/Division/Department as——————from ——————————— to——————————.

2. Mr.————————has been employed in this Ministry/Division/Department as————————from ————————to————————(dates). The work of Mr.————————while employed in this Ministry/Division/Department was satisfactory. (*OR*). There was nothing against Mr.————————during the period of his employment in this Ministry/Division/Department to render him unsuitable for further employment in Government service.

3. Mr.————————has been employed in this Ministry/Division/Department as————————from ————————to————————(dates). There is no objection to his being employed in any other Government Department/Office.

(Establishment Division Office Memorandum No. 3614/51-SEI, dated the 22nd October, 1951.)

Procedure for dealing with cases of desertion from duty :

Sl. No. 75 :

Cases have come to notice where Government servants have applied for leave, but before the leave was sanctioned, have absented themselves from duty and left their station without permission, while Government dues were payable by them on various accounts. In some cases, Government servants have proceeded on short leave, and subsequently applied for extension of leave, which was not granted, whereupon they have resigned their appointments without clearing the Government dues outstanding against them. Such behaviour on the part of Government servants is not only undesirable but also contravenes the provisions of the Pakistan Essential Services (Maintenance) Act, 1952, which makes all employment under Government an essential service. If any Government servant, without reasonable excuse, abandons his employment or absents himself from work, he is liable on conviction to be punished with imprisonment and fine *vide* Sections 5 & 7 of the Act.

2. It is, therefore, requested that the attention of all Government servants may kindly be drawn to the provisions of the Act and they may be warned that any contravntion of the Act renders them liable to prosecution. A number of prosecutions have already been instituted in the court and others are in contemplation.

(Establishment Division Office Memorandum No. 11/1/60 E.V. dated the 22nd October, 1960.)

NOTE.—For Essential Services (Maintenance) Act, 1952, *see* Appendix I.

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CHAPTER IV

CIVIL AWARDS AND RECOGNITION OF MERIT

CONTENTS

CIVIL AWARDS AND RECOGNITION OF MERIT

SECTION A

PAKISTAN CIVIL AWARDS

General :

The Pakistan Civil Awards were instituted by the President of Pakistan in 1958 and at present comprise five Orders in the following precedence :—

I. **The Order of Pakistan.**—for services of the highest distinction to the State ;

II. **The Order of Shuja'at.**—for acts of the greatest heroism and most conspicuous courage in circumstances of extreme danger ;

III. **The Order of Imtiaz.**—for conspicuously distinguished services in literature, art, sports, medicines, or science ;

IV. **The Order of Quaid-i-Azam.**—for special merit or for eminent service in the civil, military, or any other field of national activity ;

V. **The Order of Khidmat.**—for meritorious service.

Nationals and non-nationals of Pakistan are alike eligible for all Civil Awards.

2. Each Order has four descending Classes, *viz.* :—

(*i*) Nishan ;

(*ii*) Hilal ;

(*iii*) Sitara ; and

(*iv*) Tamgha.

The distinguishing mark of the Nishans is the crescent and the star, of the Hilals the crescent, and of the Sitaras the star ; the Tamghas are plain medals.

3. In addition, there is the Sanad-i-Khidmat for long and meritorious service on the part of Class II (non-gazetted), Class III and Class IV Government servants and non-officials at the level of artisans etc.

4. The relative Order of Precedence of the various Pakistan Civil Awards, their abbreviations and nearest British equivalents are given below :—

Nishans		**Nearest British Equivalent**
1. Nishan-i-Pakistan ..	(N.Pk.)	K.G.
2. Nishan-i-Shujaat ..	(N.St.)	G.C.

3.	Nishan-i-Imtiaz ..	(N.I.)	O.M.
4.	Nishan-i-Quaid-i-Azam..	(N.Q.A.)	G.B.E.
5.	Nishan-i-Khidmat ..	(N.K.)	*

Hilals

6.	Hilal-i-Pakistan ..	(H.Pk.)	K.C.B.
7.	Hilal-i-Shujaat ..	(H.St.)	G.C.
8.	Hilal-i-Imtiaz ..	(H.I.)	†
9.	Hilal-i-Quaid-i-Azam ..	(H.Q.A.)	K.B.E.
10.	Hilal-i-Khidmat ..	(H.K.)	*

Sitaras

11.	Sitara-i-Pakistan ..	(S.Pk.)	C.B.
12.	Sitara-i-Shujaat ..	(S.St.)	Albert Medal.
13.	Sitara-i-Imtiaz ..	(S.I.)	†
14.	Sitara-i-Quaid-i-Azam ..	(S.Q.A.)	C.B.E.
15.	Sitara-i-Khidmat ..	(S.K.)	I.S.O.

Tamghas

16.	Tamgha-i-Pakistan ..	(T.Pk.)	O.B.E.
17.	Tamgha-i-Shujaat ..	(T.St.)	G.M.
18.	Tamgha-i-Imtiaz ..	(T.I.)	†
19.	Tamgha-i-Quaid-i-Azam	(T.Q.A.)	M.B.E.
20.	Tamgha-i-Khidmat ..	(T.K.)	I.S.M.

Sanad

21. Sanad-i-Khidmat Class I.
22. Sanad-i-Khidmat Class II.

5. **Specimen of the Letters of Warranty :—**

(*i*) SEAL

Field Marshal Mohammad Ayub Khan, N.Pk., H.J.,
President of Pakistan.

To

Greeting :

Know All Men that reposing special Trust in your Loyalty and Integrity and being desirous of according a fitting Recognition to your Services to Pakistan I do hereby appoint you the said to the Rank and Dignity of the Holder of a in the Order of , and constitute by the same, with all Rights and Precedence appertaining thereto. and do order that according to the Prescriptions of the General Statutes governing the Order, you shall wear the Badge of the Order according to the Rank and Dignity you hold therein.

GIVEN at

this day

of 19 .

(*ii*) GOVERNMENT OF PAKISTAN

By Order

of

THE PRESIDENT OF PAKISTAN

this

SANAD-I-KHIDMAT

Class I/Class II

is awarded to

for long and Meritorious Public Service.

Establishment Secretary.

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*Higher than Sitara-i-Khidmat which is the equivalent of the I.S.O.

†Lower categories of the Nishan-i-Imtiaz which is the equivalent of the Order of Merit (O.M.).

Sub-Section A(1)

Transfer of subject of "Pakistan Civil Awards" from the Home Affairs Division to the Establishment Division.

Sl. No. 1 :

It has been decided that with immediate effect, the *Establishment Division of the *President Secretariat should deal with the work relating to the "Grant of Pakistan Civil Awards". All correspondence relating to the above subject should, therefore, be addressed to the Establishment Division in future.

(Cabinet Division No. Cord (I)-8/37/58, dated the 25th June, 1958).

Sub-Section A(2)

The Decorations Act, 1965.

Sl. No. 2 :

ACT No. X OF 1965

An Act to repeal and, with certain modifications, re-enact the Decoration Ordinance, 1962, *to provide for the conferment by the President of decorations for distinguished military and public service.*

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Decorations Ordinance, 1962, to provide for the conferment by the President of decorations for distinguished military or public service, restriction on the acceptance of foreign decorations by the citizens of Pakistan and persons in the service of Pakistan and matters ancillary thereto ;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter ;

It is hereby enacted as follows :—

1. *Short title and commencement*,—(1) This Act may be called the Decorations Act, 1965.

(2) It shall come into force at once and, except section 6 shall be deemed to have taken effect on the eighth day of June 1962.

2. *Definition*.—In this Act, unless there is anything repugnant in the subject or context, "decoration" means any Title,

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*Establishment Division is now a Division of the Cabinet Sectt.-*vide* Cabinet Div. Notification No. 104/14/65-Min., dated the 3rd May 1965.

Honour, Award, Order, Medal, Bar, Clasp, or Commendation instituted or created by the President under section 3 and includes a decoration enumerated in the Schedule.

3. *Institution or creation of decorations.*—The President may, by Warrant, institute or create, from time to time, any decorations, and prescribe the conditions under which such decorations may be awarded, conferred, withdrawn forfeited, annulled, or restored after withdrawal, forfeiture or annulment.

4. *Continuance of existing decorations and their Warrants of Institution and Statutes.*—(1) All the decorations enumerated in the Schedule and their Warrants of Institutions and the statutes, rules, regulations and instructions pertaining thereto, which were in force immediately before the commencement of this Act, shall continue to be in force until altered, repealed or amended by the President.

(2) The President may, by order, amend the Schedule so as to include therein or exclude therefrom any decoration.

(3) Notwithstanding anything contained in sub-section (1), the President may, at any time, withdraw, forfeit or annul any decoration awarded to, or conferred on, any person, and upon such withdrawal, forfeiture or annulment of any decoration the person concerned shall cease to have any right or privilege appertaining thereto ; but the President may restore any such decoration after its withdrawal, forfeiture or annulment.

5. *Restriction on creation, conferment or acceptance of decorations.*—(1) Subject to the provisions of this Act no person or authority in Pakistan shall institute or create, or confer on any person, any Title, Honour, Award, Order, Medal, Bar, Clasp or Commendation of the nature of a decoration or which is an imitation of any decoration.

(2) No citizen of Pakistan and no person in the service of Pakistan shall accept any decoration from any foreign State or Sovereign except with the approval of the President.

6. *Penalty and Procedure.*—(1) Whoever contravenes the provisions of section 5 shall be punished with fine which may extend to twenty thousand rupees.

(2) A person convicted under this section for accepting any decoration from a foreign State or Sovereign shall be deemed to have been deprived of such decoration.

(3) No prosecution for an offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

(4) No Court inferior to a Court of Session shall try any offence under this section.

7. *Repeal.*—The Decoration Ordinance, 1962 (LX of 1962), is hereby repealed.

SCHEDULE

1. Nishan-i-Haider.
2. Nishan-i-Pakistan.
3. Nishan-i-Shuja'at.
4. Nishan-i-Imtiaz.
5. Nishan-i-Quaid-i-Azam.
6. Nishan-i-Khidmat.
7. Hilal-i-Pakistan.
8. Hilal-i-Juraat.
9. Hilal-i-Shuja'at.
10. Hilal-i-Imtiaz.
11. Hilal-i-Quaid-i-Azam.
12. Hilal-i-Khidmat.
13. Sitara-i-Pakistan.
14. Sitara-i-Juraat.
15. Sitara-i-Shuja'at.
16. Sitara-i-Imtiaz.
17. Sitara-i-Quaid-i-Azam.
18. Sitara-i-Khidmat.
19. Sitara-i-Basalat.
20. Tamgha-i-Pakistan.
21. Tamgha-i-Juraat.
22. Tamgha-i-Shuja'at.
23. Tamgha-i-Imtiaz.
24. Tamgha-i-Quaid-i-Azam.
25. Tamgha-i-Khidmat. (Civil).
26. Tamgha-i-Basalat.
27. Tamgha-i-Khidmat (Military) Class I.
28. Tamgha-i-Khidmat (Military) Class II.

29. Tamgha-i-Khidmat. (Military) Class III.

30. Quaid-i-Azam Police Medal for Gallantry.

*30A. President's Police Medal for Gallantry.

*30B. Quaid-i-Azam's Police Medal for distinguished services.

*30C. President's Police Medal for meritorious services.

31. }
32. } **Omitted.*
33. }

34. Tamgha-i-Difa'a.

35. Pakistan Independence Medal.

36. Republic Commemoration Medal.

37. President's Medal for Best Shot.

38. President's Medal for Pride of Performance.

39. President's Award for Leisure Time Activities.

*39A. Sanad-i-Khidmat. Class I.

*39B. Sanad-i-Khidmat. Class II.

40. **Omitted.*

*(Added/ omitted *vide* Establishment Division Notification No. S. R. O. 153 (R)/66, dated the 3rd September, 1966.)

Sub-Section A(3)

Warrants of Institution of Pakistan Awards, (Civil)—instructions regarding inter-se *seniority of Civil, Military and Police Awards and instructions regarding designs, size, materials, etc., of Badges and Medals.*

Warrants of Institution of Pakistan Civil Awards :

Sl. No. 3 :

GOVERNMENT OF PAKISTAN

PRESIDENT'S SECRETARIAT

(Establishment Division)

Karachi, the 12*th March* 1959

NOTIFICATION

No. 1/8/59-H&A.—The following Warrant is published for general information :—

WARRANT OF INSTITUTION OF PAKISTAN AWARDS (CIVIL)

In pursuance of the Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in that behalf and in supersession of the Warrant of Institution of Pakistan Awards (Civil) issued under the Ministry of the Interior Notification No. 44/5/58-Admn., dated the 13th January, 1958, the President is pleased hereby to institute and create the decorations hereinafter styled and designated :—

Nomenclature	*Abbreviation*
Nishan-i-Pakistan	N.Pk.
Hilal-i-Pakistan	H.Pk.
Sitara-i-Pakistan	S.Pk.
Tamgha-i-Pakistan	T.Pk.
Nishan-i-Imtiaz	N.I.
Nishan-i-Quaid-i-Azam	N.Q.A.
Hilal-i-Quaid-i-Azam	H.Q.A.
Sitara-i-Quaid-i-Azam	S.Q.A.
Tamgha-i-Quaid-i-Azam	T.Q.A.
Nishan-i-Shujaat	N.St.
Hilal-i-Shujaat	H.St.
Sitara-i-Shujaat	S.St.
Tamgha-i-Shujaat	T.St.
Sitara-i-Khidmat	S.K.
Tamgha-i-Khidmat	T.K.

Sl. No. 4 :

GOVERNMENT OF PAKISTAN

PRESIDENT'S SECRETARIAT

(Establishment Division)

Karachi, the 21*st March* 1959

NOTIFICATION

No. 1/8/59-H&A.—The following Warrant is published for general information :—

WARRANT OF INSTITUTION OF PAKISTAN AWARDS (CIVIL)

In pursuance of the Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in that behalf, the President is pleased hereby to institute and create the decorations hereinafter styled and designated in addition to, those instituted and created under the President's Secretariat-(Establishment Division) Notification No. 1/8/59-H&A, dated the 12th March, 1959 published in the *Gazette of Pakistan* (*Extraordinary*), dated the 13th March, 1959 :—

Nomenclature

Hilal-i-Imtiaz.
Sitara-i-Imtiaz.
Tamgha-i-Imtiaz.

Sl. No. 5 :

NOTIFICATION

Karachi, the March 23, 1960

No. 1/8/59-H&A.—The following Warrant is published for general information :—

WARRANT OF INSTITUTION OF PAKISTAN AWARDS (CIVIL)

In pursuance of the Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf the President is pleased hereby to institute and create the decorations hereinafter styled and designated in addition to those instituted and created under the President's Secretariat (Establishment Division), Notification No. 1/8/59-H&A, dated the 12th March, 1959, Notification, No. 1/8/59-H&A, dated the 21st March, 1959, published in the *Gazettes of Pakistan* (*Extraordinary*), dated the 13th March, 1959 and 21st March, 1959, respectively :—

Nomenclature

Nishan-i-Khidmat.
Hilal-i-Khidmat.
Sanad-i-Khidmat.

Inter-se seniority of Civil, Military and Police Awards :

Sl. No. 6 :

In partial modification of the President's Secretariat (Establishment Division) Notification of even number, dated the *24th February, 1961, the Government of Pakistan have decided that the *inter-se* seniority of Civil, Military and Police Awards shall be as follows :—

1. Nishan-i-Haider.
2. Nishan-i-Pakistan.
3. Nishan-i-Shujaat.
4. Nishan-i-Imtiaz.
5. Nishan-i-Quaid-i-Azam.
6. Nishan-i-Khidmat.
7. Hilal-i-Pakistan.
8. Hilal-i-Juraat.
9. Hilal-i-Shujaat.
10. Hilal-i-Imtiaz.
11. Hilal-i-Quaid-i-Azam.
12. Hilal-i-Khidmat.
13. Sitara-i-Pakistan.
14. Sitara-i-Juraat.
15. Sitara-i-Shujaat.
16. Sitara-i-Imtiaz.
17. Sitara-i-Quaid-i-Azam.
18. Sitara-i-Khidmat.
19. Sitara-i-Basalat.
20. Tamgha-i-Pakistan.
21. Tamgha-i-Juraat.
22. Tamgha-i-Shujaat.
23. Tamgha-i-Imtiaz.
24. Tamgha-i-Quaid-i-Azam.
25. Tamgha-i-Basalat.
26. Quaid-i-Azam Police Medal for Gallantry.
27. President Police Medal for Gallantry.
28. Tamgha-i-Khidmat. (Civil).
29. Tamgha-i-Khidmat. (Military) Class I.
30. Tamgha-i-Khidmat. (Military) Class II.
31. Tamgha-i-Khidmat. (Military) Class III.
32. Quaid-i-Azam Police Medal for distinguished service.
33. President's Police Medal for meritorious service.
34. Tamgha-i-Difa'a.
35. Pakistan Independence Medal.
36. Republic Day Commemoration Medal.

(Establishment Division Notification No. 1/20/58-H&A(C-IV), dated the 26th April 1965).

*Not reproduced

Relative Order of Precedence of the Medal for Pride of Performance vis-a-vis other Awards.

Sl. No. 6A,

The Government of Pakistan have had under consideration, for sometime past, the question of assigning a relative order of precedence to the President's Medal for Pride of Performance vis-a-vis other Civil and Military awards and medals. It has been decided that a relative position in the list of awards need not be given to the President's Medal for Pride of Performance but the recipients of this Medal should be invited to official, functions and given position of precedence in accordance with their personal standing in the community.

(Establishment Division letter No. 1/20/58-H & A (C-IV), dated the 24th April, 1965).

Measurements and colours of the ribbons of the Pakistan Civil Awards :

Sl. No. 7 :

GOVERNMENT OF PAKISTAN

PRESIDENT'S SECRETARIAT

(Establishment Division)

Rawalpindi, the 12th May 1961

NOTIFICATION

No. 3/1/61-H&A.—The President has been pleased to approve the following as the measurements and colours of the ribbons of the Pakistan Awards (Civil), namely :

NISHANS

Nishan-i-Pakistan	.. (N. Pak).	4 inches wide with stripes of Pakistan green, white and Pakistan green, measuring 5/8 inch, 2¾ inches and 5/8 inch, respectively.
Nishan-i-Shujaat	.. (N. St.)	1¼ inches wide violet colour.
Nishan-i-Imtiaz	.. (N. I.)	4 inches wide stripes of light blue Pakistan green and light blue, measuring 5/8 inch, 2¾ inches and 5/8 inch , respectively.
Nishan-i-Quaid-i-Azam	(N.Q.A.)	4 inches wide with stripes of violet grey and violet, measuring 5/8 inch 2¾ inches and 5/8 inch, respectively.
Nishan-i-Khidmat	.. (N.K.)	4 inches wide with stripes of scarlet white and scarlet, measuring 5/8 inch, respectively.

HILALS

Hilal-i-Pakistan	.. (H.Pak.)	1-1/4 inches wide with stripes of Pakistan green ,white, Pakistan green, white ,

		and Pakistan green, measuring 3/16 inch, 3/8 inch, 1/8 inch, 3/8 inch and 3/16 inch, respectively.
Hilal-i-Shujaat	.. (H. St.)	1$\frac{1}{4}$ inches wide with stripes of violet, white and violet, measuring 9/16 inch, 1/8 inch and 9/16 inch, respectively.
Hilal-i-Imtiaz	.. (H.I.)	1$\frac{1}{4}$ inches wide with stripes of light blue, Pakistan green, white, Pakistan green and light blue, measuring 3/16 inch, 3/8 inch, 1/8 inch, 3/8 inch, and 3/16 inch, respectively.
Hilal-i-Quaid-i-Azam..	(H.Q.A.)	1$\frac{1}{4}$ inches wide with stripes of violet grey, white, grey and violet, measuring 3/16 inch, 3/8 inch, 1/8 inch 3/8 inches and 3/16 inch, respectively,
Hilal-i-Khidmat	.. (H.K.)	1$\frac{1}{4}$ inches wide with stripes of white scarlet and white, measuring 9/16 inch, $\frac{1}{8}$ inch and 91/6inch respectively

SITARAS

Sitara-i-Pakistan	. (S.Pk.)	1$\frac{1}{4}$ inches wide with stripes of Pakistan, green, white, Pakistan green, white Pakistan green , white and Pakistan green, measuring 3/16 inch, 1/4, inch, 1/8 inch, 1/8 inch, 1/4 inch and 3/16 inch, respectively.
Sitara-i-Shujaat	. (S. St.)	1$\frac{1}{4}$ inches wide with stripes of violet white, violet, white and violet measuring 7/16 inch, 1/8 inch, 1/8 inch, 1/8 inch, and 7/16 inch, respectively.
Sitara-i-Imtiaz	.. (S. I.)	1$\frac{1}{4}$ inches wide with stripes of light blue, Pakistan green, white, Pakistan green, white, Pakistan green and light blue mesuring 3/16 inch, 1/4, inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/4 inch, and 3/16 inch, respectively
Sitara-i-Quaid-i-Azam	(S.Q.A.)	1$\frac{1}{4}$ inches wide with stripes of violet grey, white, grey, white, grey and violet, measuring 3/16 inch, 1/4 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/4 inches and 3/16 inch, respectively
Sitara-i-Khidmat	.. (S. K.)	1$\frac{1}{4}$ inches wide with stripes of white, scarlet, white, scarlet and white, measuring 7/16 inch, 1/8 inch, 1/8 inch, 1/8 inch, and 7/16 inch, respectively.

TAMGHAS

Tamgha-i-Pakistan .. (T.Pk.)	1-1/4 inches wide with stripes of Pakistan green, white, Pakistan green, white, Pakistan green, white, Pakistan green, white and Pakistan green, measuring 5/32 inch, 5/32 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch, 5/32 inch and, 5/32 inch, respectively.
Tamgha-i-Shujaat .. (T. St.)	1-1/4 inches wide with stripes of violet, white, violet, white, violet, white and violet, mesuring 5/16 inch, 1/8 inch, 1/8 inch, 1/8 inch 1/8 inch, 1/8 inch, and 5/16 inch, respectively.
Tamgha-i-Imtiaz .. (T. I.)	1-1/4 inches wide with stripes of light blue, Pakistan green, white, Pakistan green, white, Pakistan green, white, Pakistan green and light blue, measuring 5/32 inch, 5/32 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch, 5/32 inch, and 5/32 inch, respectively.
Tamgha-i-Quaid-i-Azam (T.Q.A.)	1-1/4 inches wide with stripes of violet grey, white, grey, white, grey, white, grey and violet, measuing 5/32 inch, 5/32 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch 1/8 inch, 5/32 inch, and 5/32 inch, respectively,
Tamgha-i-Khidmat .. (T. K.)	1-1/4 inches wide with stripe of white scarlet, white, scarlet, white, scarlet and white, measuring 5/16 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch, 1/8 inch and 5/16 inch, respectively.

Violet	BCC No. 179.
Pakistan green	BCC No. 26.
Light Blue	BCC No. 163.
Grey	*BCC No. 211.
White	BCC No 1.
Scarlet	BCC No. 210.

2. This supersedes the President's Secretariat (Establishment Division) Notification No. S. R. O. 728 (K), dated the 21st June, 1960.

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* [As amended *vide* Estt. Div. Corrigundum No.3/1/59 H.&.A. (*CIV*), dt. 24-2-64.]

Badges and Medals of Pakisan Civil Awards—descriptions.

Sl. No. 8.

In pursuance of Government decision that Bengali script should also be inscribed at appropriate places on the medallions of Pakistan Civil Awards to be minted in future, the following have been approved as revised design, size and material for the Badges and Medals of the various classes of the Orders of the Pakistan Civil Awards :—

THE ORDER OF PAKISTAN

Nishan-i-Pakistan	.. (N.Pk.)	The Badge shall be of 22 carat gold and shall comprise a ten pointed star measuring 3¼ inches between opposite points with rays of glory issuing from and beneath the central design. In the centre, superimposed on a plain circular green enamelled disc, shall be the emblem of Pakistan enamelled in white and green. Centrally superimposed on the plain surface of the reverse shall be a circular disc, the border of which shall be in green enamel. The whole shall be surmounted by a cluster containing a five pointed star and crescent moon, being a symbolic representation of Nishan, the class of the Order. A pin device shall be fitted at the reverse for fastening the Badge.
Hilal-i-Pakistan	.. (H. Pk.)	The Badge shall be of 18 carat gold and shall comprise a ten pointed star measuring 2⅝ inches between opposite points, with rays of glory issuing from and beneath the central design. The central design of the Badge shall be the same as that of the class of Nishan. It shall be suspended by a small ring from a crescent moon, with its horns pointing North West, symbolising Hilal, the class of the Order.
Sitara-i-Pakistan	.. (S. Pk.)	The Badge shall be of 14 carat gold and shall be suspended by a ring from a small five pointed star, symbolising Sitara, the class of the Order. In size, shape and decorative detail it shall be the same as that of Hilal-i-Pakistan.
Tamgha-i-Pakistan	.. (T.Pk.)	The Medal shall be of tombac bronze measuring 1-7/16 inches in diameter, with a claw and ring for suspension. In the centre within a circle, shall be a representation of the emblem of Pakistan.

The Order of Shujaat

Nishan-i-Shujaat	.. (N.St.)	The Badge shall be of 22 carat gold and shall comprise on oval laurel wreath measuring 1-9/16 inches at its maximum diameter and tied at its top, bottom and sides with crossed ribbon. In the centre shall be the name of the Order, Shujaat, inscribed in Arabic script, within a circle enamelled in violet; and surrounding this circle shall be a laurel wreath. Directly below the laurel wreath shall be inscribed transliteration of the word Shujaat in Bengali. Radiating from beneath the whole centre shall appear rays of glory equally spaced and reaching to the oval wreath. The Badge shall be suspended by a ring from a plain clasp, on which shall be centrally superimposed a five pointed star and crescent moon, symbolising Nishan, the class of the Order.
Hilal-i-Shujaat	.. (H. St.)	The Badge shall be of 18 carat gold oval in shape and measuring 1½ inches at its maximum diameter. The lower half of the rim shall be plain and the upper half decorative being formed of two sprays of laurel leaves dispersed centrally from the top and falling along each side of the rim. In the centre shall be the name of the Order, Shujaat, inscribed in Arabic script with in a circle enamelled in violet, and surrounding this circle shall be a laurel wreath. Directly below the laurel wreath shall be inscribed transliteration the word Shujaat in Bengali. The Badge shall be suspended by a small ring from a crescent moon with its horns pointing North West, symbolising Hilal, the class of the Order.
Sitara-i-Shujaat	.. (S.St.)	The Badge shall be of 14 carat gold and shall be suspended by a ring from five pointed star, symbolising Sitara, the class of the Order. The Badge, in size shape and decorative detail, shall be the same as that of the Hilal-i-Shujaat.
Tamgha-i-Shujaat	.. (T. St.)	The Medal shall be of the tombac bronze oval in shape, measuring 1½ inches at its maximum diameter and shall be fitted with a claw and ring for suspension. The lower half of this rim shall be plain and the upper half shall be decorative being formed of two sprays of laurel leaves dispersed centrally from the top and falling along each side of the rim. In the centre within a circle surrounded by a laurel wreath shall be the inscription, Shujaat, in Arabic script. Directly below the laurel wreath shall be inscribed transliteration of the word Shujaat in Bengali.

Chapter IV

The Order of Imtiaz

Nishan-i-Imtiaz	.. (N. I.)	The Badge shall be of 22 carat gold and shall comprise a five pointed star measuring $1\frac{15}{16}$ inches between adjacent points with its surface fashioned in beams radiating from beneath the central design. In the centre, superimposed on a plain circular disc of light blue enamel, shall be the name of the Order, Imtiaz, inscribed in Arabic script within a circle enamelled in green; and surrounding the circle shall be a wreath of laural leaves. Directly below the laurel wreath on the blue enamelled disc shall be inscribed transliteration of the word Imtiaz in Bengali. Centrally superimposed on the plain surface of the reverse shall be a circular disc, the border of which shall be in light blue enamel. The whole shall be surmounted by a cluster containing a five pointed star and a crescent moon, being a symbolic representation of Nishan, the class of the Order. A pin device shall be fitted at the reverse for fastening the Badge.
Hilal-i-Imtiaz ..	.. (H.I.)	The Badge shall be of 18 carat gold and shall comprise a five pointed star measuring $1\frac{9}{16}$ inches between adjacent points, with its surface fashioned in beams radiating from beneath the central design. The central design of the Badge shall be the same as that of Nishan-i-Imtiaz. It shall be suspended by a small ring from a crescent moon with its horns pointing North West, symbolising Hilal, the class of the Order.
Sitara-i-Imtiaz..	.. (S. I.)	The Badge shall be of 14 carat gold and shall be suspended by a ring from a small five pointed star, symbolising Sitara, the class of the Order. In size, shape, and decorative detail, it shall be the same as that of the Hilal-i-Imtiaz.
Tamgha-i-Imtiaz	.. (T.I.)	The Medal shall be of tombac bronze measuring 1-7/16 inches in diameter and fitted with a claw and ring for suspension. In the centre shall be the inscription Imtiaz, in Arabic script, within a circle and surrounded by a laurel wreath. Directly below the laurel wreath shall be inscribed transliteration of the word Imtiaz in Bengali.

THE ORDER OF QUAID-I-AZAM

Nishan-i-Quaid-i-Azam (N.Q.A.)	The Badge shall be of 22 carat gold and shall comprise an eight pointed star, with rays chipped at the extremities and measuring 3¼ inches across opposite points. In the centre superimposed on a plain circular disc of violet enamel shall be a circular medallion in grey enamel, bearing within a floral design the inscription Iman, Ittahad, Nazm, in Arabic script. On the circular enamelled disc around the central medallion shall be inscribed towards North East transliteration of the word Iman in Bengali and translation of the words Ittahad and Nazm in Bengali shall be inscribed in the South and North West positions respectively. Centrally superimposed on the plain surface of the reverse shall be a circular disc, the border of which shall be in violet enamel. The whole shall be surmounted by a cluster, containing a five pointed star and a crescent moon, being a symbolic representation of Nishan, the Class of the Order. A pin device shall de fitted at the reverse for fastening the Badge.
Hilal-i-Quaid-i-Azam .. (H.Q.A.)	The Badge shall be of 18 carat gold and shall comprise an eight pointed star, with rays chipped at the extremities and measuring 2-3/4 inches across opposite points. The central design of the Badge shall be the same as that of the Nishan-i-Quaid-i-Azam. It shall be suspended by a small ring from a crescent moon with its horns pointing North West, symbolising Hilal, the class of the Order.
Sitara-i-Quaid-i-Azam .. (S.Q.A.)	The Badge shall be of 14 carat gold and shall be suspended by a ring from a small five pointed star, symbolising Sitara, the class of the Order. In shape, size and decorative detail, it shall be the same as that of the Hilal-i-Quaid-i-Azam.
Tamgha-i-Quaid-i-Azam. (T.Q.A.)	The Medal shall be of tombac bronze measuring 1-7/16 inches in diameter and shall be fitted with a claw and ring for suspension. In the centre, within a circle shall be a floral, design bearing the inscription, Iman Ittahad, Nazm, in Arabic script. And around the floral design shall be inscribed towards the North East transliteration of the word Iman and translation of the word Ittahad and Nazm in Bengaii shall be inscribed in the South and North West positions respectively.

Chapter IV

THE ORDER OF KHIDMAT

Nishan-i-Khidmat .. (N.K.)	The Badge shall be of 22 carat gold and shall comprise a five rayed star measuring 1-15/16 inches between adjacent points. In the centre, superimposed on a plain circular disc of white enamel shall be the name of the Order, Khidmat-i-Ala, inscribed in Arabic script, within a square frame of scarlet enamel surrounded on four sides by a decorative design. Directly below the decorative design, on the white enamelled disc shall be inscribed transliteration of the word Khidmat-i-Ala, in Bengali. Centrally superimposed on the plain surface of the reverse shall be a circular disc, the border of which shall be in white enamel. The whole shall be surmounted by a cluster containing a five pointed star and a crescent moon, being a symbolic representation of Nishan, the class of the Order. A pin device shall be fitted at the reverse for fastening the Badge.
Hilal-i-Khidmat .. (H.K.)	The Badge shall be of 18 carat gold and shall comprise a five rayed star, measuring 1-7/16 inches between adjacent points. The central design of the Badge shall be the same as that of the Nishan-i-Khidmat. It shall be suspended by a small ring from a crescent moon with its horns pointing North West, symbolising Hilal, the class of the Order.
Stara-i-Khidmat .. (S.K.)	The Badge shall be of 14 carat gold and shall be suspended by a ring from a small five pointed star, symbolising Sitara, the class of the Order. In size, shape and decorative detail, it shall be the same as that of the Hilal-i-Khidmat.
Tamgha-i-Khidmat .. (T.K.)	The Medal shall be of tombac bronze measuring 1-7/16 inches in diameter and shall be fitted with a claw and, ring for suspension. In the centre within a square frame surrounded on four sides with a decorative design shall be inscribed, Khidmat-i- Ala, in Arabic script. Directly below the decorative design shall be inscribed transliteration of the word Khidmat-i-Ala in Bengali.

2. This supersedes the Establishment Division notification No. 1/18/61-H & A, dated the 16th August, 1961, published in Pakistan Extraordinary Gazette dated the 19th August, 1961.

[Establishment Division Notification No. 14 /1/62-H & A (C-IV) dated the *16th April*, 1965]

Sub-Section A(4)

Conditions of eligibility and procedure for making recommendations for grant of Awards.

Conditions of eligibility

Sl. No. 9 :

It has since been decided that :—

(*i*) Recommendations for the grant of awards should be made on account of services of an extraordinary meritorious character deserving of recognition for grant of an appropriate award ;

(*ii*) When recommending awards the sponsoring authorities should make generous recommendations for awards of lower categories in recognition of merit or public service by officials or non-officials ;

(*iii*) The Order of Imtiaz should be restricted to the recognition of outstanding personal talent and achievement in the fields of science, arts and sports, only ;

(*iv*) The Order of Khidmat should also be used for the recognition of social service by non-officials. Officials of lower categories should continue to be eligible for Sitara and Tamgha in this Order ;

(*v*)* ......Omitted......

(*vi*) Women artists in music and acting should not be considered for Civil Awards but may be considered for the President's *Medal for Pride of Performance*. For both kinds of awards, however, care should be taken to ensure that obscenity and laxity of morals are not tolerated ;

(*vii*) Excluding exceptional cases, a minimum period of three years should elapse before a person is considered for a second award ;

(*viii*) Learned people working in various Universities and Research Institutions should be given adequate recognition by confirment of Civil awards. (c.f. letter No. 1/13/67-H&A (CIV), dated the 29th November, 1967.)

(Summary of Government decisions contained in the Establishment Division letters No. 4/44/58-H & A, dated the 4th December 1958, 6th April 1959, No. 1/28/59-H & A, dated the 21st October 1959, No. 1/21/59-H & A, dated the 19th April, 1960, 25th April, 1960, No. 1/7/59-H & A, dated 14th May, 1959.)

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*Please *see* revised orders *vide* Estt. Div. letter No. 1/5/65-H & A (C-IV) dated the 10th Aug. 65—*Sl.* No. 9-B.

Sl. No. 9-*A*.

The Government of Pakistan have had under consideration for some time past, the question of laying down conditions of eligibility for Pakistan Civil Awards and their correlation with the status of officers. It has been decided that as far as possible the status and conditions of eligibility for various Pakistan Civil Awards as shown in the enclosed statement (Annexure) should be kept in view while making recommendations for the grant of Civil Awards on the Independence Day every year.

[Establishment Division letter No. 1/21/59-H & A (C-IV), dated the 24th April, 1965.]

ANNEXURE

Sl. No.	Award for which to be recommended	Status of Officer	Conditions of eligibility
1	2	3	4
1.	**Nishan-i-Pakistan** (N.Pk.)	Not to be correlated with the status or rank of any civil or military official.	For Order of Pakistan as a whole : Only Heads of States and Royal Personages, and those citizens of Pakistan who have rendered services of the highest distinction to the State. President may assume the award of Nishan-i-Pakistan immediately upon taking office. This would not apply to an Acting President. Decision to confer Nishan-i-Pakistan upon any other person to be taken in a full Cabinet meeting. Among Pakistanis only the Presidents, ex-Presidents, and ex-Governors-General should be eligible for the Nishan-i-Pakistan ; among the *ex*-Rulers of States or Rulers, Ameer of Bahawalpur and Khan of Kalat should be eligible.
2.	**Nishan-i-Shujaat** (N.St.)	Not to be correlated with the status or rank of any civil or military official.	For the Order of Shujaat as a whole : All ranks of the Armed Forces and civilians for acts of heroism and conspicuous courage in circumstances of extreme danger and for gallantry in saving or attempting to save life. (Awards in this Order may be conferred posthumously).
3.	**Nishan-i-Imtiaz** (N.I.)	Not to be correlated with the status or rank of any civil or military official.	For order of Imtiaz as a whole :

1	2	3	4
			Citizens of Pakistan who have attained distinction in the fields of science, arts, literature, sports or social work. Also foreign nationals who make a distinct contribution towards the promotion of science, art, literature, sports or social work in Pakistan or whose work and activity in these fields are instrumental in promoting the cause of Pakistan.
4.	**Nishan-i-Quaid-i-Azam** (N.Q.A.)	Those in Artilce 6 and above and officers/ persons of equivalent status.	For the Order of Quaid-i-Azam as a whole : Only for special merit, or for eminent services to Pakistan in the civil, military or any other field of national activity.
5.	**Nishan-i-Khidmat** (N.K.)	Those in Article 6 and above and officers/ persons of equivalent status.	For the Order of Khidmat as a whole : For meritorius and outstanding services in social and cultural fields or any other nation building activity.
6.	**Hilal-i-Pakistan** *(H. Pk.)*	Those in Article 20 and above and officers/ persons of equivalent status.	As for N.Pk., *i.e.*, " For Order of Pakistan as a whole : Only Heads of States and Royal Personages, and those citizens of Pakistan who have rendered services of the highest distinction to the State ".
7.	***Hilal-i-Shujaat*** *(H.St.)*	*Not applicable.*	As for N.St., *i.e.*, " For the Order of Shujaat as a whole : All ranks of the Armed Forces and civilians for acts of heroism and conspicuous courage in circumstances of extreme danger and for gallantry in saving or attempting to save life. (Awards in this Order may be conferred posthumously) ".
8.	***Hilal-i-Imtiaz*** *(H.I.)*	*Not applicable.*	As for N.I., *i.e.*, " For Order of Imtiaz as a whole :

1	2	3	4
			Citizens of Pakistan who have attained distinction in the fields of science, arts, literature, sports or social work. Also foreign nationals who make a distinct contribution towards the promotion of science, art, literature, sports or social work in Pakistan or whose work and activity in these fields are instrumental in promoting the cause of Pakistan ".
9.	**Hilal-i-Quaid-i-Azam** (H.Q.A.)	Those in Article 20 and above and officers/ persons of equivalent status.	As for N.Q.A., *i.e.*, " For the Order of Quaid-i-Azam as a whole: Only for special merit, or for eminent services to Pakistan in the civil, military or any other field of national activity".
10.	**H lal-i-Khidmat** (H.K.)	Those in Article 20 and above and officers/ persons of equivalent status.	As for N.K., *i.e.*, " For Order of Khidmat as a whole : For meritorious and outstanding services in social and cultural fields or any other nation building activity." In cases where the non-officials have rendered free and distinguished services to the poorer sections of the community.
11.	**Sitara-i-Pakistan** (S.Pk.)	Those in Article 21 and above and officers/ persons of equivalent status.	As for N.Pk., *i.e.*, " For Order of Pakistan as a whole : Only Heads of States and Royal Personages, and those citizens of Pakistan who have rendered services of the highest distinction to the State. " In cases of services which have been recognised internationally.
12.	**Sitara-i-Shujaat** (S.St.) (Formerly Tamgha-i-Himmat Class I).	Not applicable.	As for N.St., *i.e.*, " For Order of Shujaat as a whole : All ranks of the Armed Forces and civilians for acts of heroism and conspicuous courage in circumstances of extreme danger and for gallantry in saving or attempting to save life. (Awards in this Order may be conferred posthumously)."

1	2	3	4
13.	**Sitara-i-Imtiaz** (S.I.)	Not applicable.	As for N.I., *i., e.*" For Order of Imtiaz as a whole : Citizens of Pakistan who have attained distinction in the fields of science, arts, literature, sports or social work. Also foreign nationals who make a distinct contribution towards the promotion of science, art, literature, sports or social work in Pakistan or whose work and activity in these fields are instrumental in promoting the cause of Pakistan."
14.	**Sitara-i-Quaid-Azam** (S.Q.A.)	Those in Article 26 and above and officers/ persons of equivalent status, but in special cases those included in Articles 27 and 28.	As for N.Q.A., *i.e.*, " For the Order of Quaid-i-Azam as a whole : Only for special merit, or for eminent services to Pakistan in the civil, military or any other field of national activity." In cases where non-officials have rendered free and eminent services to the poorer sections of the community.
15.	**Sitara-i-Khidmat** (S.K.) *(Formerly Tamghai-Khidmat Class I).*	Those in Articles 28 and above and officers/ persons of equivalent status.	As for N.K., *i.e.*, " For Order of Khidmat as a whole : For meritorious and outstanding services in social and cultural fields or any other nation building activity." Only to public servants who have rendered long and meritorious services to Government. In cases where the non-officials have rendered free and meritorious services to the poorer sections of the community.
16.	***Tamgha-i-Pakistan*** *(T.Pk.)*	*Those in Articles 27 and 28, and other senior Class I Officers, e.g., Senior*	As for N.Pk., *i.e.*, " For Order of Pakistan as a whole :

1	2	3	4
	(Originally Tamgha-i-Quaid-i-Azam Class I).	Deputy Commissioners, Senior Superintendents of Police and persons of equivalent status.	Only Heads of States and Royal Personages, and those citizens of Pakistan who have rendered services of the highest distinction to the State." In cases where the non-officials have rendered services of national importance.
17.	**Tamgha-i-Shujaat** (T.St.) (Formerly Tamgha-i-Himmat Class II).	Not applicable.	As for N.St., *i.e.*, " For the Order of Shujaat as a whole : All ranks of the Armed Forces and civilians for acts of heroism and conspicuous courage in circumstances of extreme danger and for gallantry in saving or attempting to save life. (Awards in this Order may be conferred posthumously)."
18.	**Tamgha-i-Imtiaz**	Not applicable.	As for N.I., *i.e.*, " For Order of Imtiaz as a whole : Citizens of Pakistan who have attained distinction in the fields of science, arts, literature, sports or social work. Also foreign nationals who make a distinct contribution towards the promotion of science, art, literature, sports or social work in Pakistan or whose work and activity in these fields are instrumental in promoting the cause of Pakistan."
19.	**Tamgha-i-Quaid-i-Azam** (T Q A.) (Formerly Tamgha-i-Quaid-i-Azam Class II).	Other officers in Class I but below the status of Deputy Secretaries to Central Government namely, Junior Deputy Commissioners, Superintendents of Police, and persons of equivalent status.	As for N.Q.A., *i.e.*, " For the Order of Quaid-i-Azam as a whole : Only for special merit, or for eminent services to Pakistan in the civil military or any other field of national activity." In cases where the non-officials have rendered services to the poorer sections of the community."

1	2	3	4
20.	**Tamgha-i-Khidmat** (T.K.) (Formerly Tamgha-i-Khidmat Class II).	Class II officers (Gazetted and non-Gazetted) and persons of equivalent status.	As for S.K., *i.e.*, " Only to Public servants who have rendered long and meritorious services to Government. In cases where the non-officials have rendered free and meritorious services to the poorer sections of the community."
21.	***Sanad-i-Khidmat Class I** (With a cash reward of Rs. 500,00).	For Class II (non-Gazetted) and Class III Government servants (except Drivers) such as Superintendents, Assistants, Sub-inspectors of Police etc.	For long and meritorious services.
22.	***Sanad-i-Khidmat Class II** (With cash reward of Rs. 200.00).	For artisans, Drivers, Gestetner Operators, Daftaries, Peons, etc.	For long and meritorious services and to the artisans who serve the country well through their respective skills.

* (c.f. Estt. Div. Letter No. 1/5/65-H&A (CIV), dated the 10th August, 1965.)

Sl. No. 9-*B*.

In supersession of the orders contained in sub-para. (iii) of the Establishment Division letter No. 1/21-59-H&A(C-IV), dated 19th April, 1960, the Government of Pakistan have decided to introduce the following two categories of Sanad-i-Khidmat.

(a) *Sanad-i-Khidmat Class I* :

For Class II (non-gazetted) and Class III Government servants (except Drivers) such as Superintendents, Assistants, Sub-Inspectors of Police etc., with a cash grant of Rs. 500.00 and annual limit being 20.

(b) *Sanad-i-Khidmat Class II* :

For artisans, Drivers, Gestetner Operators, Daftaries, Peons, etc., with a cash grant of Rs. 200.00 ; and annual limit being 30.

2. These orders shall be effective from 1965.

(Establishment Division letter No. 1/5/65-H & A (C-IV), dated the 10th August, 1965).

Procedure for making recommendations for grant of Award :

Sl. No. 10.

The Pakistan Civil Awards consist of the following five Orders :—

(1) The Order of Pakistan ;

(2) The Order of Shujaat ;

(3) The Order of Imtiaz ;

(4) The Order of Quaid-i-Azam ;

(5) The Order of Khidmat.

The Orders have four descending Classes, *viz*. :—

(*i*) Nishan,

(*ii*) Hilal,

(*iii*) Sitara, and

(*iv*) Tamgha.

The distinguishing mark of the Nishans is the crescent and the star, of the Hilals the crescent, and of Sitaras the star ; the Tamghas are plain medals.

*In addition to the above twenty awards, there is the Sanad-i-Khidmat for long and meritorious service on the part of Class III and IV Government servants and non-officials at the level of artisans, etc. [The recipients of sanad are entitled to a cash reward of *Rs. 200.00].

2. The relative order of precedence of all the Pakistan Civil Awards and other relevant information is given in the attached statement (Annexure I).

*Pl. see revised instructions *vide* Estt. Div., letter No. 1/5/65-H & A (C-IV), dated the 10th Aug., 1965 (Sl. No. 9-B).

*3. The form prescribed *vide* Establishment Division letter No. 1/19/58-H&A, dated the 9th July, 1959, for the submission of recommendations for the grant of Pakistan Civil Awards on the occasion of Independence Day (14th August) has been revised. The recommendations for the grant of awards on the occasion of Independence Day (14th August) may now kindly be sent in octuplicate in the enclosed form (Annexure II). The instructions (Annexure III) may also be kept in view so that the information furnished is complete in all respects.

4. As several formalities have to be completed before the final announcement of the awards, it is requested that the recommendations should be submitted to the Establishment Division on or before the 28th February, each year, at the latest, failing which the matter will be brought to the notice of the President for his directions. All the recommendations should be sent together, and not piecemeal, together with the character rolls where the recommendee is an official. A synopsis of the outstanding good remarks and of all the adverse remarks in each character roll should be attached to it in the following form :—

Outstanding good remarks, (with page number)	All adverse remarks (with page number)	General remarks about quality of work (outstanding, very good, good, average, below average)
1	2	3

The pages on which the remarks mentioned in columns 1 and 2 above appear should be appropriately flagged. The character rolls should be complete in all respects.

5. The citations of the recommendees should be so worded that these can be read out at the time of the Investiture, if necessary.

6. Women as well as foreigners are eligible for all Civil Awards for services rendered since the establishment of Pakistan.

7. The awards in question are granted for service of outstanding merit and are not to be granted as a matter of course. The President has, in this connection, been pleased to decide as under :—

(*a*) The basic criterion to be followed in the case of serving officers should be outstanding service or service rendered beyond the call of duty. Cases of long and meritorious service should be considered when the officers concerned are nearing retirement.

(*b*) Priority should be given to field workers in every Province/Ministry/Department particularly the Develop-

*Pl. see revised instructions *vide* Estt. Div. letter No. 1/26/63-H&A (C-IV), dated the 16th November 63 (Sl. No. 10-A).

ment Departments, in making recommendations. In other words, a conscious effort should be made to recommend officers in the field rather than those working at the Secretariat.

(*c*) All citations pertaining to the Pakistan Civil Awards in the Order of Shujaat should be read out at the time of the Investiture ceremony.

(*d*) The annual limits prescribed for the grant of Pakistan Civil Awards *vide* Establishment Division letter No. 1/8/59-H & A, dated the 16th January, 1961, should be applicable to nationals only. Non-nationals should not be shown against those limits.

(*e*) The recommending authorities should in future recommend non-officials more liberally. The Commissioners and Deputy Commissioners and other touring officers should keep a note-book in which they should note down the names and particulars of public service of those non-officials who are doing good work in their jurisdictions so that they could refer to those notes at the time of sending up recommendations for awards. The Governors themselves may consider adopting the same practice.

(*f*) Whenever a Ministry of the Central Government recommends the name of a non-official, the Provincial Government concerned shall be consulted beforehand.

8. It is requested that recommendations for awards should be treated as Secret, and that the persons being recommended should not come to know about them under any circumstances. Names of the non-officials finally selected for the awards will be communicated in due course. At that stage the Provincial Government will be requested to sound them on the point whether they would accept the awards.

[Establishment Division letter No. 1/23/61-H & A (C-IV), dated the 7th March, 1962 as amended *vide* letter No. 1/23/61-H & A (C-IV), dated 19th Oct. 1962 and letter No. 1/26/63-H & A (C-IV), dated the 16th November, 1963).

Endorst :—

Copy together with a copy at each of the enclosure is forwarded to all Secretaries, Acting Secretaries and Joint Secretaries Incharge of Ministries/Divisions (by name) for information and necessary action.

2. The recommendations should be sent by the Head of Ministries/Divisions in the prescribed manner. All the recommendations that a Ministry/Division has to make should be sent together and not piecemeal along with the character rolls where the recommendee is an official.

3. For the Ministry of Foreign Affairs only.—The instructions may please be conveyed also to our Missions abroad.

ANNEXURE I

Statement showing the relative order of precedence of the various Civil Awards and other relevant particulars.

Nomenclature of Pakistan Civil Awards	Nearest British Award	Position for non-officials in Warrant of Precedence for Pak.	‡Total member-ship	‡Maximum number awarded annually
1	2	3	4	5
Nishans				
1. Nishan-i-Pakistan (N.Pk.)	K. G.	21	5	1
2. Nishan-i-Shujaat (N.St.)	G. C.	..	No limit.	No limit.
3. Nishan-i-Imtiaz (N.I.) ..	O. M.	22	25	2
4. Nishan-i-Quaid-i-Azam (N. Q. A.).	G. B. E.	23	25	3
5. Nishan-i-Khidmat (N.K.)	*	27	25	3
Hilals				
6. Hilal-i-Pakistan (H. Pk.)	K.C.B.	28	50	4
7. Hilal-i-Shujaat (HS.t.) ..	G.C.	..	No limit.	No limit.
8. Hilal-i-Imtiaz (H. I.) ..	†	29	50	4
9. Hilal-i-Quaid-i-Azam (H.Q.A.).	K.B.E.	30	50	3
10. Hilal-i-Khidmat (H.K.) ..	*	33	50	5
Sitaras				
11. Sitara-i-Pakistan (S.Pk.)	C.B.	..	No limit.	10
12. Sitara-i-Shujaat (S. St.) ..	Albert Medal.	..	No limit.	No limit.
13. Sitara-i-Imtiaz (S.I.) ..	†	..	No limit.	5
14. Sitara-i-Quaid-i-Azam (S.Q.A.).	C.B.E.	..	No limit.	15
15. Sitara-i-Khidmat (S. K.).	I.S.O.	..	No limt.	20
Tamghas				
16. Tamgha-i-Pakistan (T.Pk.)	O.B.E.	..	No limit.	
17. Tamgha-i-Shujaat (T.St.)	G.M.	..	No limit.	No limit
18. Tamgha-i-Imtiaz (T.I.) ..	†	..	No limit.	10.
19. Tamgha-i-Quaid-i-Azam (T.Q.A.).	M.B.E.	..	No limit.	30
20. Tamgha-i-Khidmat (T.K.)	I.S.M.	..	No limit.	40
21. Sanad-i-Khidmat ..	..	..	No limit.	50

*Higher than the Sitara-i-Khidmat which is the equivalent of the I.S.O.

†Lower categories of the Nishan-i-Imtiaz which is the equivalent of the Order of Merit (O.M.).

‡Applicable to nationals only.

ANNEXURE II

............*Omitted............

ANNEXURE III

............*Omitted............

*Please see revised forms as introduced under the Estt., Div., Letter No. 1/26/63-H & A—(C. IV). dated the 16th November 1963 Sl. No. 10A.

Sl. No. 10*A*.

A few additions have been made in the " Form " prescribed for the submission of recommendations for the grant of Pakistan Civil Awards, circulated with the Establishment Division letter No. 1/23/61-H&A(C-IV) dated 7th March, 1962. A copy of the revised Form is enclosed herewith (Annexure I). It is requested that in future twelve copies of this Form in respect of each recommendee (instead of eight prescribed previously) may please be submitted to the Establishment Division. The " Instructions" (Annexure II) may also be kept in view so that the information furnished is complete in all respects.

2. It has been decided that in respect of foreign nationals, the Ministry of Foreign Affairs, Government of Pakistan, should invariably be consulted before hand by the sponsoring authorities and a certificate to this effect recorded at the end of each Form. Attention in this connection is invited to Col. 2. (iii) and certificate No. (v) of the Form.

3. It has been noticed that information against Column (2) (xi) of the Form, is not usually furnished by the sponsoring authorities. It is, therefore, requested that special care may please be taken to ensure that information pertaining to Honours/Awards already held, together with the year of conferment, is invariably furnished against this column...

4. .....*Omitted*.....

(Establishment Division letter No. 1/216/63-H&A(C-IV), dated the 6th November, 1963).

ANNEXURE I

Recommendation for the grant of a Pakistan Civil Award on the occasion of Independence Day—(14*th August* 19 .)

(1) Award recommended :

(2) Particulars of recommendee—

*(official/non-official.)

(*i*) Name

(*ii*) Father's name

(*iii*) Nationality

(*iv*) Date of birth

Age Years Months.

(*v*) Post, with classification, rank or office held/occupation.

†(*vi*) Full postal address of the recommendee.

†(*vii*) Full postal address of the next of the kin of the recommendee (in the case of posthumous awards for gallantry only).

(*viii*) (*a*) Total length of service (for officials.).

(*b*) Standing in the Profession (for non-officials).

(*ix*) Previous service rendered in brief (for non-officials).

(*x*) (*a*) Pay and special pay, if any (for officials).

(*b*) Income-tax or land revenue paid (for non-officials).

(*xi*) Any honour or award already held (*with date of conferment.*)

NOTE—Excluding exceptional cases, a minimum period of three years should elapse before a person is considered for a second award, *vide* Establishment Division Letter No. 1/7/59-H & A, dated the 4th May, 1959.

(3) Order of preference amongst recommendees (to be indicated by the recommending authority in case there are more than one recommendee for one and the same award).

(4) In case of officials, describe in what particular respect the official has done something original, extra, or beyond the call of duty :—

(5) In case of non-officials give a brief, but comprehensive account of performance :—

Citation *(official/non-official.)

Chief Secretary to the Government of East/West Pakistan. | Secretary, | Ministry/ | Division of... ...

Dated............

CERTIFICATES

Certified that—

(*i*) the recommendee has never incurred a censure or been censured in any proceeding before a Court of Law.

‡ (*ii*) the Provincial Government concerned has been consulted before hand, if the recommendee is a non-official.

@ (*iii*) the parent Department/Ministry of the official concerned has been consulted before hand.

@ (*iv*) the borrowing office has been consulted before hand.

†† (*v*) the Ministry of Foreign Affairs, Government of Pakistan, has been consulted before hand, if the recommendee is a foreign national.

Chief Secretary to the Government of East/West Pakistan. | Secretary, | Ministry/ | Division. of....

Dated..............

*Score out that which is not applicable.

†Any change of address before the date of announcement of awards (14th August) should be communicated to the Central Government immediately.

‡ This certificate is to be provided only by Ministries of the Central Government only in cases of non-official recommendees. Score out if not applicable.

@ This certificate is to be provided only in cases of official recommendees. Score out if not applicable.

†† This certificate is to be provided only in case of *non-nationals. Score out if not applicable. *[as amended *vide* Establishment Division letter No. 1/26/63-H&A (C. IV), dated the 13th February, 1964].

ANNEXURE II

INSTRUCTIONS

(1) **Twelve copies* of the Form (Annexure-I) should be forwarded by the Provincial Governments/Ministries, to the Secretary to the Government of Pakistan, Establishment Division, Cabinet Secretariat, Rawalpindi. The first copy of the Form must be signed by the Chief Secretary (in the case of Provincial Governments) or by the Secretary/Joint Secretary Incharge (in the case of Central Government Ministries). The remaining eleven copies should be duly authenticated by a responsible officer.

(2) The completed forms must reach the Establishment Secretary by *28th February*, every year.

(3) The *name* of the recommendee should be given against Col. 2(i) of the Form exactly in the same style and form in which it is to be notified, in case Government decide to confer the proposed award. Degrees or titles, awards, etc., which should appear in the Gazette Notification should also be clearly indicated after the name of the recommendee. If the recommendee is already the recipient of a title, award, etc., awarded before or after Independence, the *year of the title, award*, etc., should be mentioned in brackets after the title or award.

(4) Against Col. 3, the recommending authority should indicate the *order of Preference* in which the recommendee concerned should be considered from amongst the entire lot of persons recommended for the particular award.

(5) The brief *account of performance* should give clearly and precisely the grounds on which the Provincial Government/Ministry recommend the conferment of an award. Superficial remarks should be avoided. The history of service/past life of the officer/non-official recommended should not be given under this heading.

(6) The *certificate(s)* at the end of the form should also be duly signed by the Chief Secretary/Secretary of the Ministry and the recommendation made after consulting the Provincial Government, the Ministry of Foreign Affairs, the parent/borrowing Department etc., where necessary.

(7) The *Character Roll* (in case of officials) must accompany the recommendation in each case. A synopsis of the outstanding good remarks and of all the adverse remarks in each character roll should be attached to it in the following form :—

Outstanding good remarks (with year and page number)	All adverse remarks (with page number)	General remarks about quality of work (outstanding, very good, good, average, below average).
1	2	3

The pages on which the remarks mentioned in columns 1 and 2 above appear should be appropriately flagged. The character rolls should be complete in all respects.

* As substituted *vide* Estt. Div. U. No. 1821/66-O. H & A, dated the 25th April, 1967.

(8) All the recommendations should be sent together, and not piecemeal.

(9) The citations of the recommendees should be so worded that these can be read out at the time of the Investiture Ceremony, if necessary.

Processing of recommendations through proper channel :

Sl. No. 10*B* :

Government of Pakistan have decided that all recommendations for the grant of civil awards should be processed through the normal channel which has been prescribed under Government orders. If any recommendations are forwarded otherwise than through the prescribed channels, they will be referred to the prescribed recommending authority for opinion.

(Establishment Division letter No. 17/1/59-H&A, dated the 4th April, 1960.)

Sl. No. 11 :

The President has been pleased to order that if any award is proposed to be given to any Government servant, his parent Department, or Ministry should invariably be consulted.

2. The above orders may kindly be brought to the notice of all recommending authorities who, where necessary, should invariably record a certificate on the citation that the concurrence of the parent office has been obtained.

(Establishment Division letter No. 17/29/59-H&A, dated the 18th January, 1961.)

Sl. No. 12 :

REFERENCE :—*Establishment Division letter No.* 17/29/59-*H. & A, dated the* 18*th January*, 1961.

It has further been decided that if any award is proposed to be given to any Government servant, who is on deputation to another office, the parent office should also consult the borrowing office.

[Establishment Division letter No. 1/15 /62-H&A(C-IV), dated the 3rd July, 1962.]

Signing of original copy of the citation :

Sl. No. 13 :

It has been decided that in future only the first copy of the citation should be signed by the competent authority while the remaining eleven copies may be duly authenticated by a responsible officer.

(Establishment Division letter No. 1/23/61-H&A, dated the 24th July 1961, read with their u.o. No. 1882/66-H&A (CIV), dated the 25th April, 1967.)

Sub-Section A(5)

Instructions for wearing of the Pakistan Civil Awards

Sl. No. 14 :

GOVERNMENT OF PAKISTAN

PRESIDENT'S SECRETARIAT

(Establishment Division)

INSTRUCTIONS FOR WEARING OF THE PAKISTAN CIVIL AWARDS.

The Pakistan Civil Awards may be worn on suitable and prescribed occasions in the following manner :—

I. Nishans (except the Nishan-i-Shujaat)

The Nishan is worn in the following manner :—

(*a*) When worn with uniform. The full size riband should be worn over the right shoulder, and in such a position that the Bow rests on the left hip immediately below the belt or sash, whichever is worn. The Nishan should be affixed to the left breast of the coat.

(*b*) When worn with morning dress. The Nishan only should be worn. It should be affixed to the left breast of the coat.

(*c*) When worn with full evening dress (*i.e.* tail-coat). A shortened riband should be worn on the waistcoat. One end of the riband should be fastened at the front of the right armhole of the waistcoat and the other end should be fastened to the waistcoat in such a manner that the Bow rests on the left hip. The Nishan should be affixed to the left side of the coat.

(*d*) With national dress, lounge suit or dinner jacket. The Nishan should be worn as in the case of (*b*) above.

Nishan-i-Shuja'at :

This Nishan is worn in the same way as the " Tamghas ".

FOR LADIES

The riband should be worn over the right shoulder and in such a position that the Bow rests just below the waist on the left side. The Nishan should be worn on the left side of the dress so that it rests about 6 inches above the waist.

II. Hilals and Sitaras

(a) *With uniform.*—The Hilal/Sitara should be worn suspended from the riband which should be worn round the neck, inside and under the collar of the coat, in the manner described in the Dress Regulations of the Service to which the holder belongs, or belonged formerly.

(b) *With full evening dress* (i.e., *tail-coat*).—The Hilal/Sitara should be worn suspended from the riband which should be worn round the neck under the white tie. The Hilal/Sitara should hang about one inch below the tie.

(c) *With morning dress* (*Civil attire*).—The Hilal/Sitara should be worn suspended from the riband which should be worn round the neck under the tie (which should preferably be a bow tie) in a manner similar to that in which it is worn with full evening dress.

(d) *With national dress.*—The Hilal/Sitara should be worn in the same manner as in (a) above, that is, suspended from the riband, which should be worn round the neck inside the collar. The Hilal/Sitara should hang about one inch below the Achkan collar.

(e) *With lounge suit or dinner jacket.*—The Hilal/Sitara should be worn in the same manner as in (c) above.

FOR LADIES

(a) The Hilal/Sitara should be worn on the left side suspended from a Bow made of the appropriate riband.

(b) If wearing uniform with a coat of military pattern, the Hilal/Sitara should be worn suspended from a riband which should be worn round the neck as in II (a) above.

III. Tamghas

(a) *With uniform.*—The Tamgha should be worn suspended from its riband on the left breast immediately above the pocket flap.

(b) *With national dress.* The Medal should be worn as with Uniform, but on the upper part of the left breast of the Ackhan.

(c) *With lounge suit or dinner jacket.*—The Medal should be worn in the same manner as with Uniform, but on the left lapel of the Coat.

FOR LADIES

(*a*) The tamghas should be worn on the left side when wearing civilian dress.

(*b*) If wearning uniform with a coat of military pattern, they should be worn in accordance with the Regulations of the Service.

Note. —Instructions regarding the wearing of miniatures will issue later.

Sl. No. 15 :

The Government of Pakistan have *inter alia* decided :

1. that the miniatures of medals may be worn on Achkans by recipients of both Civil and Military awards ; and

2. that miniatures should be worn by the recipients at functions which take place after sun-set. For functions during day time the original awards should be worn.

(Establishment Division letters No. 1/10/58- H&A, dated the 10th January, 1959 and No. 1/12/58 H&A, 27th December, 1960.)

Note :—please also *see* Sl. No. 27.

No. 15-*A* :

A question has arisen whether persons in receipt of more than one Pakistan Civil Award can wear insignia of all the awards simultaneously and if so in what manner. According to the orders contained in the Establishment Division letter No. 1/11/61-H&A(C-IV), dated the 12th May, 1961 (Sl. No. 24) if a recipient gets a higher award within the same Order he is considered to have vacated the lower award.

2. The matter has been further considered by the Government of Pakistan and it has been decided that the recipient should wear the insignia of all the awards made except that where more than one award has been made in a particular Order, the highest of that Order only be worn. The insignia of the Hilals/Sitaras would be worn around the neck so that the highest award is uppermost and nearest the bow-tie with the others falling below in their order of precedence. The Tamghas would be worn on the left side of the coat or sherwani as at present.

[(Establishment Division letter No. 1/4/66-H&A(C-IV), dated the 23rd December, 1967.] :

Sl. No. 15-*B* :

The Government of Pakistan have had under consideration for some time the manner of wearing miniatures of Civil Awards and it has now been decided that civilians as well as service officers in civilian dress should wear the miniature of the highest award on all occassions in the following manner :—

(*a*) (*i*) ON A COAT WITH COLLAR—in the buttonhole on the left lapel.

(*ii*) ON A SHERWANI—on the inner edge of the left breast pocket so that the lower edge of the miniature is half an inch above the edge of the pocket.

(*iii*) ON A SARI—in the position of a broach or if a broach is worn, half an inch above it.

(*b*) In the case of Armed Forces, miniatures of all the awards, wearing of which is permitted under para 2 of the Establishment Division letter No. 1/4/66-H&A (C-IV), dated the 23rd December, 1967, may be worn like miniatures of military awards on the left breast in the order of their precedence.

2. As laid down in para 1 (*iii*) of the Establishment Division letter No. 1/12/58-H&A(C-IV), dated the 27th December, 1960, the miniatures should be worn by the recipients at functons which take place after sunset. For functions during day time the original awards should be worn.

(Establishment Division letter No. 1/32/63-H&A(C-IV), dated the 5th January, 1968.)

Sub-Section A(6)

General instructions regarding Pakistan Civil Awards

Order of precedence of Pakistan Civil Awards :

Sl. No. 16 :

The Pakistan Civil Awards were instituted by the President of Pakistan in 1958 and at present comprise five orders in the following precedence :—

I. **The Order of Pakistan**—for services of the highest distinction to the State ;

II. **The Order of Shuja'at**—for acts of the greatest heroism and most conspicuous courage in circumstances of extreme danger ;

III. **The Order of Imtiaz**—for conspicuously distinguished services in literature, art, sports, medicine, or science ;

IV. **The Order of Quaid-i-Azam.** for special merit or for eminent service in the civil, military, or any other field of national activity.

V. **The Order of Khidmat**—for meritorious service.

National and non-nationals of Pakistan are alike eligible for all Civil Awards.

2. Each Order has four descending classes, *viz.*, Nishans, Hilals, Sitaras and Tamghas. All the Nishans take precedence over all the Hilals ; similarly, all the Hilals and Sitaras take precedence over all the Sitaras and Tamghas, respectively. The *inter se* precedence within a class, namely, Nishan, Hilal, Sitara, or Tamgha, depends on the precedence of their respective Orders. Thus the award of Nishan-i-Pakistan, which is the highest class of the highest Order, takes precedence over all other awards, including the Nishans of the other Orders, *viz.*, Shuja'at, Imtiaz, Quaid-i-Azam and Khidmat. In short, the order of precedence of all Civil Awards is as under :—

Nomenclature of Pakistan Awards (with abbreviations)		Position for non-officials in Warrant of Precedence for Pakistan
1		2
Nishans		
1. Nishan-i-Pakistan	(N. Pk.)	21
2. Nishan-i-Shujaat	(N.St.)	..
3. Nishan-i-Imtiaz	(N.I.)	22
4. Nishan-i-Quaid-i-Azam	(N.Q.A.)	23
5. Nishan-i-Khidmat	(N. K.)	27
Hilals		
6. Hilal-i-Pakistan	(H. Pk.)	28
7. Hilal-i-Shujaat	(H.St.)	..
8. Hilal-i-Imtiaz	(H.I.)	29
9. Hilal-i-Quaid-Azam	(H.Q.A.)	30
10. Hilal-i-Khidmat	(HK)	33

1		2
Sitaras		
11. Sitara-i-Pakistan	(S.Pk.)	..
12. Sitara-i-Shuja'at	(S.St.)	..
13. Sitara-i-Imtiaz	(S.I.)	..
14. Sitara-i-Quaid-i-Azam	(S.Q.A.)	..
15. Sitara-i-Khidmat	(S.K.)	..
Tamghas		
16. Tamgha-i-Pakistan	(T.Pk.)	..
17. Tamgha-i-Shuja'at	(T.St.)	..
18. Tamgha-i-Imtiaz	(T.I.)	..
19. Tamgha-i-Quaid-i-Azam	(T.Q.A.)	..
20. Tamgha-i-Khidmat	(T.K.)	..

[Establishment Division lettor No. 1/3/62-H&A (C-IV), dated the 13th April, 1962.]

Total membership and annual limit of Civil Awards :

Sl. No. 17 :

The question of raising annual limits in respect of certain categories of Pakistan Civil Awards has been under consideration of the Government of Pakistan and it has now been decided that the annual awardable limits and total membership in respect of various Civil Awards should be as under :—

Name of the award	Maximum number awardable annually	Total membership	Remarks
1. Nishan-i-Pakistan ..	1	5	In respect of Nishan-i-Pakistan, Nishan-i-Imtiaz, Nishan-i-Quaid-i-Azam, Nishan-i-Khidmat the total membership will exclude the Heads of States and foreign dignitaries.
2. Nishan-i-Shujaat ..	No limit	No limit	
3. Nishan-i-Imtiaz ..	2	25	
4. Nishan-i-Quaid-i-Azam ..	3	25	
5. Nishan-i-Khidmat ..	3	25	
6. Hilal-i-Pakistan ..	4	50	
7. Hilal-i-Shujaat ..	No limit	No limit	
8. Hilal-i-Imtiaz ..	4	50	

1		2	3	4
9.	Hilal-i-Quaid-i-Azam ..	3	50	
10.	Hilal-i-Khidmat ..	5	50	
11.	Sitara-i-Pakistan ..	15	No limit	
12.	Sitara-i-Shujaat ..	No limit	Do.	
13.	Sitara-i-Imtiaz ..	5	Do.	
14.	Sitara-i-Quaid-i-Azam ..	20	Do.	
15.	Sitara-i-Khidmat ..	20	No.	
16.	Tamgha-i-Pakistan ..	30	Do.	
17.	Tamgha-i-Shujaat ..	No limit	Do.	
18.	Tamgha-i-Imtiaz ..	10	Do.	
19.	Tamgha-i-Quaid-i-Azam	40	Do.	
20.	Tamgha-i-Khidmat ..	40	Do.	
21.	Sanad-i-Khidmat Class I ..	30	Do.	
22.	Sanad-i-Khidmat Class II ..	40	Do.	

2. This is in supersession of the Establishment Division letter dated the 16th January, 1961.

[Establishment Division letter No. 1/2/67-H&A(C-IV), dated the 26th September, 1967.]

Death Reports in respect of recipients of Awards with fixed total membership :

Sl. No. 18 :

Whenever a recipient of the following Pakistan Civil Awards dies, the date of death of such recipient may be reported invariably to the Establishment Division as soon as possible after the event :—

(*i*) Nishan-i-Pakistan (*ii*) Nishan-i-Imtiaz

(*iii*) Nishan-i-Quaid-i-Azam (*iv*) Nishan-i-Khidmat

(*v*) Hilal-i-Pakistan (*vi*) Hilal-i-Imtiaz

(*vii*) Hilal-i-Quaid-i-Azam (*viii*) Hilal-i-Khidmat.

(Establishment Division letter No. 1/11/61-H & A, dated the 12th June, 1961.)

Dates of announcement of Military and Civil awards :

Sl. No. 19 :

It has been decided that :—

(*i*) Non-operational Military awards should be announced twice a year, *i.e.*, on the 23rd March and 14th August ;

(*ii*) Military operational awards should be announced as and when the occasion arises ;

(*iii*) Civil Awards should be announced only once a year on the Independence Day, *i.e.*, the 14th August.

[Summary of Government decisions contained in the Establishment Division letters No. 1/7/58-H &A, dated the 12th February, 1959 and No. 1/23/61-H&A, (C-IV), dated the 19th October, 1962.]

Republic Day Commemoration Medals :

Sl. No. 20 :

The question whether the Republic Day Commemoration Medal which was instituted by the President *vide* the Gazette of Pakistan Extraordinary dated the 19th March, 1957 should be awarded or not to various categories of civil employees, etc., has been under the consideration of the Government for sometime and it has now been decided as follows :—

(1) that the Republic Day Commemoration Medals should be conferred on the Armed Forces personnel as already decided ;

(2) and (3) Omitted.

(4) that these Medals need not be given to civil employees and non-officials.

(Establishment Division letter No. 7/3/58-H&A, dated the 26th January, 1959.)

Sl. No. 21 :

REFERENCE :—*Establishment Division letter No. 7/3/58-H&A, dated the 26th January, 1959.*

The Government of Pakistan have now decided that all full-time members of the Police Forces of the Provinces of Pakistan and of the Federal Capital, the Frontier Constabulary, the Civil Armed Forces and the East Pakistan Rifles who were in service on the 23rd March, 1956, are eligible for Republic Day Commemoration Medal.

2. Establishment Division are accordingly taking action for the manufacture of the Medal by Pakistan Mint which will be supplied to Provincial Governments and others concerned as and when ready.

(Establishment Division letter No. 7/3/58-H & A, dated the 26th July, 1960.)

Sl. No. 22 :

REFERENCE.—*Establishment Division letter No.* 7/3/58-*H&A*, *dated the* 26*th January*, 1959.

The Government of Pakistan have decided that the Heads of foreign delegations who attended the Republic Day Celebrations of 1956 should be given the Commemoration Medals.

(Establishment Division letter No.7/3/58-H&A, dated the 16th January, 1961.)

Eligibility of foreigners to Pakistan Awards :

Sl. No. 23 :

The question of eligibility of foreigners to Pakistan awards has been under the consideration of the Government for some time past, and they have now decided that all foreign nationals whether in the employment of the Government of Pakistan or not, should be eligible for all the Pakistan Civil Awards.

(Establishment Division letter No. 1/3/58-H&A, dated the 21st March, 1959.)

Vacation of a lower award on getting a higher one in the same Order :

Sl. No. 24 :

The Pakistan Civil Awards consist of the following five Orders :—

1. The Order of Pakistan.
2. The Order of Shuja'at.
3. The Order of Imtiaz.
4. The Order of Quaid-i-Azam.
5. The Order of Khidmat.

2. It has been decided that if a recipient gets a higher award within the same Order, he should be considered to have vacated the lower award. In view of this, recipients of two awards in the same Order should only use the initials of the higher award after their names as illustrated below :—

Mr. X, S.Q.A. (in case of a recipient of two awards in the same Order, *e.g.*, S.Q.A. and T.Q.A.).

Mr. X, S.Pk., T.Q.A. (in the case of a recipient of two awards in two different Orders).

(Establishment Division letter No. 1/11/61-H&A, dated the 12th May, 1961.)

Squence of abbreviations of Awards held by the President :

Sl. No. 25 :

The President has been pleased to accept the Nishan-i-Pakistan, the abbreviations of the Pakistan Civil and Military award held by him may henceforward be shown after his name as under :—

"N.Pk., H.J.".

(Establishment Division letter No. 1/5/62-H&A (C-IV), dated the 22nd May, 1962.)

Decision that the recipients of six Awards of Republic Day, 1958 which have been re-designated should be considered to have been given the redesignated Awards :

Sl. No. 26 :

(Establishment Division)

Karachi, the 3rd October 1959

NOTIFICATION

No. 1/31/59-H&A.—The President is pleased hereby to direct that all persons on whom the Decorations mentioned in the second column below were conferred on the occasion of Republic Day, 1958, by notification in the *Gazette of Pakistan*, Extraordinary, dated the 23rd March, 1958, shall be deemed to have had conferred upon them the corresponding Decorations mentioned in the third column :—

Serial No.	Decoration conferred	Decoration deemed to have been conferred	Abbreviation
1	2	3	4
1.	Tamgha-i-Quaid-i-Azam Class I.	Tamgha-i-Pakistan.	T. Pk.
2.	Tamgha-i-Khidmat (Civil) Class I.	Sitara-i-Khidmat	S. K.
3.	Tamgha-i-Quaid-i-Azam Class II.	Tamgha-i-Quaid-i-Azam.	T.Q.A.
4.	Tamgha-i-Himmat Class I.	Sitara-i-Shujaat	S. St.
5.	Tamgha-i-Himmat Class II.	Tamgha-i-Shujaat.	T.St.
6.	Tamgha-i-Khidmat (Civil) Class II.	Tamgha-i-Khidmat.	T.K.

Permission to recipients of Awards to use approved abbreviations after their name without waiting for formal presentations and eligibility of Armed Forces personnel to Tamgha-i-Himmat, etc. :

Sl. No. 27 :

The Government of Pakistan have decided as follows :—

(*i*) that the recipients of Pakistan Awards should be permitted to use approved abbreviations of the Awards after their names, immediately after the announcement of the awards, and without waiting for a formal presentation or Investiture Ceremony ;

(*ii*) that the Armed Forces personnel should also be eligible for the award of Tamgha-i-Himmat, Class I and Class II ; (Redesignated as Sitara-i-Shujaat and Tamgha-i-Shujaat respectively) ;

(*iii*) that there should be no miniatures for Medals of and above the level of Sitaras ;

(*iv*) that the miniatures should be permitted only in respect of the awards of and below the level Tamgha-i-Pakistan.

(Establishment Division letters No. 1/10/58-H&A, dated the 10th January, 1959 and No. 1/12/58-H&A, dated the 27th December, 1960.)

Position of the recipient of an Award in the Warrant of Precedence :

Sl. No. 28 :

It has been decided that the position of a Government servant should continue to be fixed in the Warrant of Precedence according to the rank or status of the post held by him and that the receipt of any award by him should not disturb that position in any way.

(Establishment Division letter No. 1/2/59-H&A, dated the 12th Marach, 1959.)

Inclusion of the names of recipients of Awards in the Central and Provincial Civil Lists, etc. :

Sl. No. 29 :

It has been decided that the Provincial Civil Lists/Seniority lists, etc., published by various Ministries/Departments in the Central Government should contain a section at the end of each publication, showing names of recipients of various Pakistan Awards. The list should be arranged award-wise and the year in which the Awards are conferred should be noted against each name.

2. It has also been decided that in all official documents and publications, *e.g.*, the Civil Lists, Seniority Lists, Telephone Directories, Official and Diplomatic Directories, etc., approved abbreviations of Pakistan Civil Awards should be noted after the names of recipients of such Awards occurring therein.

(Establishment Division letter No. 1/20/59-H&A, dated 19th May, 1959.)

Ceremonial presentation of Awards :

Sl. No. 30 :

The President has been pleased to decide that honours, awards sanads, etc., which may be conferred on officials and non-official for recognition of their meritorious work should be presented ceremonially.

2. It has been further decided that awards announced...... ....should be given ceremoniously at an investiture to be held by the President, the Governor or the Commander-in-Chief, as the case may be,..................

[Cabinet Division letter No. Cord (1)-13/5/59, dated the 16th July 1959.]

Sl. No. 30 A

In view of the promulgation of the Constitution, the question, whether the main Investiture Ceremonies for the presentation of the insignia of Awards should continue to be held every year on Revolution Day as usual, or whether they should be arranged on some other National Day, was examined by the Government of Pakistan and the following decisions have been taken :—

(1) The main Investiture Ceremonies for the Awards announced in 1962 will be held on the 23rd March 1963.

(2) From 1963 onwards the Awards will be *announced every year on the 14th August (Independence Day).*

(3) From 1964 onwards the *main Investiture Ceremonies will be held every year on the 23rd March (Pakistan Day).*

In the preceding paragraph, the term " main Investiture Ceremonies " means (*i*) the Investiture Ceremony held by the President at Rawalpindi, (*ii*) the Ceremonies held by the two Governors at Dacca and Lahore respectively for presenting insignia of awards of the class of Tamgha, and (*iii*) the Cermonies held by Pakistan Missions in foreign countries.

[Establishment Division letter No. 1/22/62-H&A(C-IV), dated the 8th October, 1962].

Sl. No. 31 :

It has been decided that the Governors should also hold Investitures. At these Governors' Investitures civil awards of Tamghas should be presented to non-officials and to Provincial Government servants who are recipients residing in the Provinces.

(Establishment Division letter No. 3/1/59-H&A, dated the 14th October, 1959.)

Sl. No. 32 :

In modification of the orders contained in the Establishment Division endorsement No. 3/1/59-H&A, dated the 14th October, 1959, the President has been pleased to decide as under :—

(*i*) Officers of the Armed Forces down to the level of General Officers Commanding and Brigadiers holding independent commands of brigades areas, or sub-areas should be authorized to invest military personnel with Civil Tamghas ; and

(*ii*) the dates of Investiture may be fixed by the investing officers concerned.

[Estt. Div. O. M. No. 1/20/62-H&A(CIV), dated 1st May, 1962].

Sl. No. 33 :

The President has taken the following decisions :—

(*i*) that Heads of Missions abroad who have received Honours and Awards from the Government of Pakistan may be given their decorations *in absentia* ;

(*ii*) that Heads of Missions abroad may be allowed to present on his behalf decorations which have been conferred by the Government of Pakistan to nationals of the countries to which they are accredited when those nationals are residing in those countries.

(Establishment Division O.M. No. 12/1/59-H&A, dated the 21st July, 1960 addressed to the Ministry of F.A.&C.R.)

Sl. No. 34 :

REFERENCE :—*Establishment Division Office Memorandum No.* 12/1/59-*H & A, dated the* 21*st July*, 1960.

The question of presentation of the ribbons, medals and parchments of Pakistan Civil Awards to the recipients residing abroad, whether Pakistani nationals or non-nationals, has been further considered. It has been decided that those recipients of awards, whether nationals of Pakistan or otherwise, who are residing abroad may be decorated by the Heads of Pakistan Missions in the countries where the persons concerned are for the time being residing. A formal ceremony should also be held for this purpose.

2. It should, however, be ensured that such Investitures are only held (by Heads of Missins) after prior clearance with the Establishment Division.

(Establishment Division Office Memorandum No. 12/1/59-H&A dated the 27th December, 1960, addressed to the Ministry of F.A. & C.R.)

Sl. No. 35 :

REFERENCE :—*Establishment Division O.M. No.* 12/1/59-*H & A dated the* 27*th December* 1960.

The President has been pleased to decide that the Heads of the Pakistan Missions abroad should also hold the Investitures for the presentation of Pakistan Civil Awards, on Pakistan Day (*i.e.* 23rd March) each year.

(Establishment Division Office Memorandum No. 1/24/61-H&A., dated the 25th August, 1961.)

Sl. No. 36 :

The President has been pleased to decide as under :—

(*a*) When a Pakistani or non-Pakistani recipient of a Pakistan Civil Award is in a country where we have a Mission, the Investiture Ceremony will be held by our Mission. The other instructions contained in the O.M. of 27th December, 1960, would continue to apply ;

(*b*) When a Pakistani recipient is in a country where we have no Mission, the insignia will be sent to him by post ;

(*c*) When a non-Pakistani recipient is in a country of which he is not a national and in which we have no Mission, the insignia will be sent to him by post;

(*d*) When a non-Pakistani recipient is a national of, and is residing in, a country where we have no Mission but that country has a Mission in Pakistan, the insignia will be sent to the foreign Mission concerned in Pakistan for onward transmission to their Government with the request to invest the recipient with the award at as high a level as possible ;

(*e*) When a non-Pakistani recipient is a national of, and is residing in, a country where there is no Mission of Pakistan and no Mission of the foreign country in Pakistan the insignia will be sent to our Permanent Mission in the United Nations, New York, for transmission to the Government concerned through their permanent Representative in the United Nations Organisation with a request to invest the recipient with the award at as high a level as possible.

[Eastablishment Division O. M No. 1/4/61-H & A (C-IV), dated the 18th May, 1962 addressed the Ministry of Foreign Affairs.]

Sl. No. 36-*A* :

The President has been pleased to decide as under :—

(*i*) That the recipients of Presidential Sanad-i-Khidmat for the years 1960, 1961 and 1962 should receive their Sanads by post.

(*ii*) That the recipients of 1963 and future receipients should receive their Sanads at an Investiture ceremony to be held on appropriate occasions by the following authorities :—

(*a*) The Establishment Secretary at Rawalpindi/Karachi/Dacca in respect of Central Government servants.

(*b*) The Chief Secretaries to the Governments of East Pakistan and West Pakistan at Dacca and Lahore, respectively, in respect of Provincial Government servants.

(*c*) The Commissioners at the Divisional Headquarters in respect of the non-officials in their jurisdiction.

(*d*) Heads of Pakistan Missions abroad or their representatives in respect of recipients living abroad.

(*e*) Commanders-in-Chief or their representatives in respect of the Armed Forces personnel.

2. ....*Omitted*.........

(Establishment Division letter No. 1/33/63-H&A (C.IV), dated the 3rd June, 1964).

Procedure for conferring the Insignia of an Award on those who are unable to attend the Investiture Ceremony :

Sl. No. 37 :

The President has been pleased to decide that the recipient of an Award who failed to attend the Investiture Ceremony, should be given the option of attending the next Ceremony.

2. The President has been further pleased to decide that all recipients should have the choice of requesting for Insignia to be sent to them by post if they are unable to attend the Investiture Ceremony.

(Establishment Division letter No. 1/4/61-H&A(C-IV), dated the 18th June, 1962.)

Grant of Travelling Allowance/Daily Allowance to the recipients of Pakistan Civil Awards who are invited to attend an Investiture Ceremony :

Sl. No. 38 :

The President has been pleased to decide that the recipients of Civil Awards, both official and non-official, who are invited to attend Investitures for receiving their awards/ribbons from the President should be paid Travelling Allowance for the journeys undertaken by them from the place of their duty/residence to the place of Investiture and back.

2 Government servants who are thus invited will receive Travelling Allowance at tour rates of the class to which they are entitled under the existing rules. The expenditure involved will be debited to the budget grant of the Ministry or Department under whom the person concerned is employed at the time he is invited to attend the Investiture.

3. Non-officials will receive the cost of a single first class fare from their place of residence to the place of Investiture and back and daily allowance at the rate of Rs. 20 for the day of Investiture and Rs. 10 for the day of arrival and the day of departure. The expenditure involved in these cases will be met from the appropriate provisions in the budget grant of the Establishment Division.

4. This issues with the concurrence of the Ministry of Finance.

(Establishment Division O.M. No. 1/33/59-H&A, dated the 13th October, 1959.)

Sl. No. 39 :

The President has been pleased to decide that the awardees of Tamghas in the years 1958 and 1959 both official and non-official, who are invited to attend Investitures for receiving their Medals from the President should be paid Travelling Allowance for the journeys undertaken by them from the place of their duty/residence to the place of Investitures and back.

2. Government servants who are thus invited will receive Traveling Allowance at tour rates of the class to which they are entitled under the existing rules. The expenditure involved will be debited to the budget grant of the Ministry or Department under whom the person concerned is employed at the time he is invited to atend the Investiture. Retired Government servants will be entitled to Travelling Allowance at tour rates as were admissible to them before their retirement.

3. Non-officials will receive the cost of a single second class fare from their place of residence to the place of Investiture and back and Daily Allowance at the rate of Rs. 10 for the day of Investiture and Rs. 5 for the day of arrival and the day of departure. The expenditure involved in these cases will be met from the appropriate provisions in the budget grant of the Establishment Division.

4. This issues with the concurrence of the Ministry of Finance, *vide* their u.o. No. 397-R (2)/60, dated the 26th March 1960.

(Establishment Division Office Memorandum No. 1/33/59-H&A, dated the 7th April, 1960.)

Sl. No. 40 :

The President has been pleased to decide that the recipients of Civil Awards, both official and non-official who are invited to attend Investitures (1960-61) for receiving their awards/ribbons from the President shall be paid Travelling Allowance for the journeys undertaken by them from the place of their duty/residence to the place of Investiture and back.

2. Government servants who are thus invited shall receive travelling Allowance at tour rates of the Class to which they are entitled under the existing rules. The expenditure involved shall be debited to the budget grant of the Ministry or Department under whom the person concerned is employed at the time he is invited to attend the Investiture.

3. Non-officials shall receive, in the case of recipients of Nishans, Hilals and Sitaras, the cost of a single first class Railway fare from their place of residence to the place of Investiture and back and Daily Allowance at Rs. 20 for the day of Investiture and Rs. 10 for the day of arrival and the day of departure. The recipients of Tamghas shall receive the cost of a single second class Railway fare from their place of residence to the place of Investiture and back and Daily Allowance at Rs. 10 for the day of Investiture and Rs. 5 for the day of arrival and the day of departure. The expenditure involved shall be met from the appropriate provisions in the budget grant of the Establishment Division.

4. This issues with the concurrence of the Ministry of Finance, *vide* their u.o. No. 609-Regs. (RWP)/60, dated the 23rd June, 1960.

(Establishment Division Office Memorandum No. 1/33/59-H&A, dated the 25th June, 1960.)

Sl. No. 41 :

The President has been pleased to decide that the recipients of Pakistan Civil Awards, both officials and non-officials, who are invited to attend Investitures for receiving the Insignia of their awards from the President shall be paid Travelling Allowance for the journey undertaken by them from the place of their duty/ residence to the place of Investiture and back.

2. Government servants who are thus invited shall receive Travelling Allowance at tour rates of the class to which they are entitled under the existing rules. The expenditure involved shall be debited to the budget grant of the Ministry or Department under whom the person concerned is employed at the time he is invited to attend the Investiture.

3. Non-officials shall receive, in the case of recipients of Nishans, Hilals and Sitaras, the cost of a single 1st class railway fare from their place of residence to the place of Investiture and back and Daily Allowance @ Rs. 20 for the day of Investiture and Rs. 10 for the day of arrival and the day of departure. The reci-

pients of Tamghas shall receive the cost of a single 2nd class Railway fare from their place of residence to the place of Investiture and back and Daily Allowance @ Rs. 10 for the day of Investiture and Rs. 5 for the day of arrival and the day of departure. The expenditure involved shall be met from the appropriate provisions in the budget grant of the Establishment Division for the relevant year.

4. This issues with the concurrence of the Ministry of Finance, *vide* their u.o. No. 1520-DS (2)/61, dated the 20th June 1961.

(Establishment Division Office Memorandum No. 1/19/61-H&A, dated the 1st July, 1961.)

Sl. No. 42 :

REFERENCE :—*Establishment Division Office Memorandum No. 1/19/61-H&A, dated the 1st July, 1961.*

The President has been pleased to decided that retired Government servants shall be entitled to receive Travelling Allowance at tour rates, as were admissible to them immediately before their retirement, provided the award granted to them is for services rendered as a Government servant ; otherwise the Travelling allowance would be admissible to them as in the case of non-officials.

2. This issues with the concurrence of the Ministry of Finance *vide* their u.o. No. 105/DSR/62, dated the 12th January, 1962.

(Establishment Division Office Memorandum No. 1/19/61-H&A, dated the 27th January, 1962.)

Sl. No. 42-*A* :

The President has been pleased to decide that the recipients of Presidential Sanad-i-Khidmat, both officials and non-officials, who are invited to attend an Investiture ceremony for receiving their Sanads from the appropriate authorities shall be paid Travelling Allowance and Daily Allowance for the journey undertaken by them from the place of their duty/residence to the place of Investiture and back at the following rates:—

(*i*) *Non-officials recipients of Sanad.*—Cost of a single Inter Class Railway fare from the place of residence to the place of Investiture and back and Daily Allowance @ Rs. 7.50 for the day of the Investiture and Rs. 5·00 for the day of arrival and the day of departure.

(*ii*) *Government officials recipients of Sanad.*—Travelling Allowance at tour rates of the class to which they are entitled under the existing rules. The expenditure involved shall be debited to the Budget grant of the Department /Office/Division under whom the person concerned is employed at the time he is invited to attend the Investiture.

(*iii*) *Retired government officials recipients of Sanad.*—Travelling Allowance at tour rates as was admissible to them immediately before their retirement, provided that the Presidential Sanad granted to them is for the services rendered as Government official. Otherwise the TA/DA would be admissible to them as in the case of non-officials.

2. This issues with the concurrence of the Ministry of Finance *vide* their u.o. No. 1315-R. 2/64, dated 18th June, 1964.

[Establishment Division letter No. 1/33/63-H&A (C.IV), dated the [24th June, 1964 to the A.G.P.R., Rawalpindi].

Wearing of pre-Independence Police Medals :

Sl. No. 43 :

It has now been decided that, as in the case of Armed Forces members of the Police Force may be allowed to wear Police Medal awarded for gallantry and meritorious service before Independence.

(Establishment Division letter No. 2/3/58-H&A, dated the 17th January, 1961.)

Exemption of recipients of the Civil Awards of Sitara-i-Quaid-i-Azam and above from the operation of the Arms Act :

Sl. No. 44

The recipients of the Civil Awards of Nishan-i-Pakistan, Nishan-i-Shujaat, Nishan-i-Imtiaz, Nishan-i-Quaid-i-Azam, Nishan-i-Khidmat, Hilal-i-Pakistan, Hilal-i-Shujaat, Hilal-i-Imtiaz, Hilal-i-Quaid-i-Azam, Hilal-i-Khidmat, Sitara-i-Pakistan, Sitara-i-Shujaat, Sitara-i-Imtiaz and Sitara-i-Quaid-i-Azam are exempted from taking out arms licences for the possession of the following fire-arms :—

(*i*) One pistol or revolver of non-prohibited bore ;

(*ii*) One rifle of non-prohibited bore ;

(*iii*) One·22 bore rifle ;

(*iv*) Two shot guns.

2. The calibre restriction mentioned at (i) and (ii) above may be relaxed in cases where a prohibited bore fire-arm of the above description has been presented as an award or a present by the Government of a foreign country or where Government has already permitted an individual to keep a weapon of prohibited bore.

3. The District Magistrate of the district concerned has to be furnished with a list of such weapons by the award-holders every year.

(Establishment Division O.M. No. 8/1/59-H&A. dated the 15th June, 1961.)

Method of preparation and maintenance of confidential reports of officials who have received honours/awards :

Sl. No. 45

It has been decided that if an officer has received any honour/award, a suitable entry should be made in his character roll and a copy of the citation placed in it.

(Establishment Division letter No. 1/3/60-C, dated the 9th February, 1961.)

Procedure for replacement of lost medallions of Civil Awards.

Sl. No. 45-*A*.

The question whether the medallions of Civil Awards lost due to theft, burglary or accident, should be re-issued has been under the consideration of Government of Pakistan. After careful consideration it has been decided that the lost medallions should be replaced at the cost of the recipients, except where it is proved to the satisfaction of Government that the recipient had taken proper care for its safe custody and that he himself was not at fault.

2. It is requested that all cases of loss of medallions of Civil Awards should be reported to the Establishment Division, whenever necessary, with the following information :—

(*i*) Name of the award holder.

(*ii*) Description of the medallion.

(*iii*) Circumstances or causes resulting in the loss of the medallion.

(*iv*) Whether an enquiry (including a police enquiry) has been held, and if so, its findings.

[Establishment Division letter No. 1/13/62-H&A, (C. IV), dated the 27th April, 1965.]

SECTION B

FOREIGN AWARDS/DECORATIONS

Sub-Section B (1)

Rules regarding acceptance of foreign awards or decorations by Pakistani Citizens.

Sl. No. 46 :

In supersession of all previous orders regarding acceptance of foreign decorations by Pakistani citizens, the Government of Pakistan have decided as follows :—

(*i*) that a foreign decoration or award should be accepted by a Pakistani officer, diplomatic representative abroad

or a Pakistani citizen only after obtaining prior permission of the President. But in cases where award or a decoration was conferred suddenly, reference would have to be made to the President for *ex-post-facto* approval ;

(*ii*) the criterion for permitting acceptance of foreign awards would be based on the consideration whether the person concerned had promoted the interest of Pakistan in that particular country;

(*iii*) that all proposals to confer any foreign award or decoration on a Pakistani citizen should be placed before the President through the Ministry concerned. In case of members of public, the Ministry of the Interior should submit their recommendations to the President ;

(*iv*) that the permission to accept the award or decoration will carry with it permission to wear the award or decoration on appropriate occasions in Pakistan or abroad ;

(*v*) that these rules should apply equally to rulers of former States.

(Establishment Division letter No. 1/4/58-H&A, dated the 12th December, 1958.)

Note :—Please also see *Section* 5 of the Decorations Act, 1965.

Sl. No. 47 :

It has now been decided that no prior permission of Government would be necessary for a Pakistani official, diplomatic representative or citizen for accepting a decoration or award conferred by His Holiness the Pope, or for wearing them on appropriate occasions within Pakistan or abroad.

(Establishment Division letter No. 6/50/58-H&A, dated the 4th June 1959).

Prohibition of the use of initials of foreign awards by Government servants against their names.

Sl. No. 47-A :

In accordance with the provision of para 5(2) of the Decorations Act of 1965, foreign awards/decorations may only be accepted by a Pakistani national with the approval of the President. The question has, however, remained under consideration of the Government of Pakistan whether a Government servant holding foreign awards/decorations with the approval of the President, should be allowed to use the initials of these awards

decorations against his name. It has now been decided that a Government servant should in no case use initials of foreign awards/decorations against his name.

2. Exception has been made in the case of the members of the Pakistan Armed Forces who may use the initials against their name of British decorations of military origin conferred on them before independence.

[Ministry of Foreign Affairs letter No. P(I)-21/23/64, dated the May, 1967.]

Sub-Section B (2)

Acceptance of Decorations or Awards by Pakistani Citizens from International Associations.

Sl. No. 48 **:**

Attention is invited to the Establishment Division letter No. 1/4/58-H&A, dated the 12th December, 1958, wherein the decision of the Government of Pakistan regarding the acceptance of foreign decorations by Pakistani citizens was communicated to the Provincial Governments. A question was raised in this connection whether that decision should also apply to Awards conferred by International Associations like the Red Cross Society, St. John's Ambulance Association, the Boy Scouts Association, etc.

2. The Government of Pakistan have decided that the orders regarding the acceptance of foreign awards by Pakistani citizens referred to in para 1 above should not apply to awards conferred by International Associations like the Red Cross Society, the St. John's Ambulance Association, the Boy Scouts Association, etc. and individual cases of awards by these Associations should not be referred to the administrative Ministry concerned for prior permission.

(Establishment Division letter No. 6/48/58-H&A, dated the 24th January, 1959).

Sl. No. 49 :

REFERENCE :—*Establishment Division letter No.* 6/48/58-*H &A dated the* 24*th January,* 1959.

The Government of Pakistan have further decided that, as in the case of awards or medals given by Associations like the Red Cross Society, the St. John's Ambulance Association, etc., awards or medals given by sports organisations in foreign countries should also be exempted from the need for prior Government approval.

(Establishment Division letter No. 13/2/58-H&A, dated the 28th December, 1960).

Sub-Section B (3)

Relative position of Pakistan Awards viz-a-viz *Foreign Awards.*

Sl. No. 50 :

The question of the relative position in which the Pakistan awards and foreign awards should be worn by their recipients has

been under the consideration of the Government for some time past and they have now decided as follows :—

(*a*) that all the foreign awards should be worn in a position inferior to all the Pakistan awards, and

(*b*) that the *inter se* position of foreign awards for the purpose of wearing them should be determined according to the priority of the dates of their receipt by the respective recipients.

(Establishment Division letter No. 1/11/59-H&A, dated the 12th March, 1959.)

SECTION C

RECOGNITION OF MERIT IN PUBLIC SERVICE AND REWARDS TO GOVERNMENT SERVANTS FOR GOOD WORK.

Policy decisions :

Sl. No. 51 :

Government have, for some time past, been considering the question of recognising merit and rewarding good work in public service, and have now taken the following policy decisions in this behalf :—

(*i*) that the existing promotion rules should be implemented carefully so as to base seclection more on merit than on seniority in the case of selection posts ;

(*ii*) that honours and awards should be granted more freely in recognition of merit, although of course consideration should also be given to cases of impending retirement.

*2. The Government have further decided that advance increments may be given in recognition of merit and that, in the case of Class II Government servants, recognition of good work may also be in the form of watches, fire-arms, swords, etc. In the case of Class III and Class IV Government servants, cash awards may be granted. Detailed instructions in this connection are being worked out, and will form the subject of a further communication.

(Establishment Secretary's d.o. No.7/30/59-SEIII, dated the 22nd September, 1959.)

**Note* :— Pl. see revised orders regarding grant of 'Efficiency Honorarium' instead of 'Advance Increments' *vide* Establishment Division O. M. No. 5/1/63/-CV, dated the 22nd December, 1964 reproduced below.

Procedure for grant of "Efficiency Honorarium" to Government servants for good work.

Sl. No. 52 :

Attention is invited to Estt. Div. O.M. No. 25/2/61-CV dated 13th Dec. 61 (as amended—Annex. I to V1) according to which advance increments are granted to Govt. servants in recognition of good work.

The matter has been reconsidered and it has been decided that in future 'Efficiency Honorarium' shall be granted to Government servants instead of advance increments. The actual amount of honorarium shall be equivalent to one or two months' pay depending on the performance of the individual concerned. The final decision about the amount would, however, be taken by the Committee, consiting of Deputy Secretary (Regulations), Ministry of Finance and Deputy Secretary, Establishment Division (or an officer of the status of Deputy Secretary and above concerned with the work) in every case at its discretion.

2. The procedure regarding submission of recommendations for the grant of 'Efficiency Honorarium' to the Establishment Division shall be the same as laid down in sub-pargraphs (a), (b), (c) and (d) of paragraph 1 of the Establishment Division O.M., dated the 13th December, 1961 (Annexures I—IV).

3. These orders will take effect from the 1st July, 1964.

(Establishment Division O.M. No. 5/1/63-C. V/LR. II, dated the 2nd December, 1964),

Annexure I (for information).

It has been decided that the following procedure should be observed for grant of advance increments :—

(a) In the case of Class II and Class III Government servants, the recommendations for the grant of advance increments should go to the relevant Departmental Promotion Committee and the latter's views should be communicated through the Secretary of the Ministry concerned to a Committee consisting of the Establishment Secretary and the Finance Secretary;

(b) Recommendations should be sent to the Committee mentioned in (a) above twice a year so as to reach the Committee by the 1st of January/1st of July, every year;

(c) In the case of Class IV employees, the matter may be considered by a Departmental Promotion Committee and the final decision taken by the Secretary of the Ministry concerned;

*(d) Advance increments may not be granted to more than one—

(i) gazetted Class II officer,

(ii) non-gazetted (Class II or Class III) Government servant and

(iii) Class IV Government servant at a time. This will apply to offices of the Central Government other than the Central Secretariat.

*(dd) Advance increments may not be granted to more than one—

(i) Class II (gazetted and non-gazetted) official;

(ii) Class III Government servant ;

(iii) Class IV Government servant ;
at a time. This will apply to the Divisions of the Central Secretariat only.

*(As amended and inserted *vide* Estt. Division O.M. No. 5/4/62-CV, dated the 2nd March, 1963).

(e) Gazetted Officers should not be granted more than one advance increment at a time and non-gazetted employees should not be granted more than two advance increments at a time.

(f) The advance increment granted during a year will take effect from the date on which the usual increment of the person concerned falls due in that year ;

(g) Such advance increments when once granted will continue to be drawn by the individuals concerned in addition to the increment normally due to them in the course of their service ;

(h) The proceedings of the Departmental Promotion Committee and the Character Rolls of the persons concerned should invariably be sent with the recommendations.

2. In addition to the above, Class II employees of the Police and Customs Departments may also be awarded watches, fire-arms, swords etc. in recognition of good work. The procedure referred to in paragraph 1 (a) and (b) above, will be observed for this purpose.

3. The question of grant of additional increments to Class I Officers in recognition of meritorious service is separately under consideration and further instructions will separately be issued in this regard.

4. In partial modification of the Establishment Division/letter No. 9(1)/57-SE.III, dated the 27th March, 1957 (Chap. VIII), it has since also been decided that not only letters of appreciation issued by the Committees/Commissions to Government Officers serving with them but also attested copies of such remarks or paragraphs concerning them which have been embodied in the reports of the Committees/Commissions may be placed in the Character Rolls of the Officers concerned.

(Establishment Division office Memorandum No. 25/2/61- C.V., dated the 13th December, 1961 issued in supersession of the office Memorandum No. 7/30/59-SE. II, dated the 20th September 1960.)

Procedure for grant of "Efficiency Honorarium" to Government servants for good work.

Sl. No. 52 :

Attention is invited to Estt. Div. O.M. No. 25/2/61-CV, dated 13th Dec. 61 (as amended—Annex. I to VI) according to which advance increments are granted to Govt. servants in recognition of good work.

The matter has been reconsidered and it has been decided that in future 'Efficiency Honorarium' shall be granted to Government servants instead of advance increments. The actual amount of honorarium shall be equivalent to one or two months' pay depending on the performance of the individual concerned. The final decision about the amount would, however, be taken by the Committee, consiting of Deputy Secretary (Regulations), Ministry of Finance and Deputy Secretary, Establishment Division (or an officer of the status of Deputy Secretary and above concerned with the work) in every case at its discretion.

2. The procedure regarding submission of recommendations for the grant of 'Efficiency Honorarium' to the Establishment Division shall be the same as laid down in sub-pargraphs (a), (b), (c) and (d) of paragraph 1 of the Establishment Division O.M., dated the 13th December, 1961 (Annexures I—IV).

3. These orders will take effect from the 1st July, 1964.

(Establishment Division O.M. No. 5/1/63-C. V/LR. II, dated the 2nd December, 1964),

Annexure I (for information).

It has been decided that the following procedure should be observed for grant of advance increments :—

(a) In the case of Class II and Class III Government servants, the recommendations for the grant of advance increments should go to the relevant Departmental Promotion Committee and the latter's views should be communicated through the Secretary of the Ministry concerned to a Committee consisting of the Establishment Secretary and the Finance Secretary;

(b) Recommendations should be sent to the Committee mentioned in (a) above twice a year so as to reach the Committee by the 1st of January/1st of July, every year;

(c) In the case of Class IV employees, the matter may be considered by a Departmental Promotion Committee and the final decision taken by the Secretary of the Ministry concerned;

*(d) Advance increments may not be granted to more than one—

(i) gazetted Class II officer,

(ii) non-gazetted (Class II or Class III) Government servant and

(iii) Class IV Government servant at a time. This will apply to offices of the Central Government other than the Central Secretariat.

*(dd) Advance increments may not be granted to more than one—

(i) Class II (gazetted and non-gazetted) official;

(ii) Class III Government servant ;

(iii) Class IV Government servant ;
at a time. This will apply to the Divisions of the Central Secretariat only.

*(As amended and inserted *vide* Estt. Division O.M. No. 5/4/62-CV, dated the 2nd March, 1963).

(e) Gazetted Officers should not be granted more than one advance increment at a time and non-gazetted employees should not be granted more than two advance increments at a time.

(f) The advance increment granted during a year will take effect from the date on which the usual increment of the person concerned falls due in that year ;

(g) Such advance increments when once granted will continue to be drawn by the individuals concerned in addition to the increment normally due to them in the course of their service ;

(h) The proceedings of the Departmental Promotion Committee and the Character Rolls of the persons concerned should invariably be sent with the recommendations.

2. In addition to the above, Class II employees of the Police and Customs Departments may also be awarded watches, fire-arms, swords etc. in recognition of good work. The procedure referred to in paragraph 1 (a) and (b) above, will be observed for this purpose.

3. The question of grant of additional increments to Class I Officers in recognition of meritorious service is separately under consideration and further instructions will separately be issued in this regard.

4. In partial modification of the Establishment Division/letter No. 9(1)/57-SE.III, dated the 27th March, 1957 (Chap. VIII), it has since also been decided that not only letters of appreciation issued by the Committees/Commissions to Government Officers serving with them but also attested copies of such remarks or paragraphs concerning them which have been embodied in the reports of the Committees/Commissions may be placed in the Character Rolls of the Officers concerned.

(Establishment Division office Memorandum No. 25/2/61- C.V., dated the 13th December, 1961 issued in supersession of the office Memorandum No. 7/30/59-SE. II, dated the 20th September 1960.)

Annexure II (For information)

It has been decided that if any advance increments were granted under the original orders dated the 20th September, 1960, they will remain unaffected by the provisions of clause (f), para 1 of the Office Memorandum, dated the 13th Demember, 1961. The provisions of clause (f) of para 1 of the Office Memorandum, dated the 13th December, 1961 shall only be applicable to advance increments granted after the 13th December, 1961.

(Establishment Division Office Memorandum No. 25/2/61-C.V., dated the 12th February, 1962.)

Annexure III (For information)

It has been decided that while the basis for grant of advance increments laid down in para 1(d) of the Establishment Division Office Memorandum No. 25/2/61—C.V., dated the 13th December, 1961 will generally be observed, yet if the number of the persons to whom advance increments are allowed in any Ministry/Division/Department is less than the number to whom such increments were admissible due to the officials of that Ministry/Division/Department not coming up to the requisite standard of efficiency, the number left over will be awardable to officials of other Ministries/Divisions/Departments.

(Establishment Division Office Memorandum No. 25/2/61-C.V. dated the 3rd July, 1962.)

Annexure IV (For information)

In continuation of the Establishment Division O.M. No. 25/2/61-CV, dated the 3rd July, 1962, it is stated that Ministries/Divisions are at liberty to recommend as many names as they like under each category. While doing so, they should indicate the order of priority. This would enable the Advance Increments Committee to consider the awarding of advance increments left over from the share of one Ministry/Division/Department to others.

(Establishment Division Office Memorandum No. 25/2/61-E.XV C.V., dated the 22nd November 1962.)

Annexure V (For information)

A question as to whether different offices in our Missions abroad should be treated as separate offices for the purpose of grant of advance increments has been under consideration of this Division for sometime past. It has now been decided after careful consideration, that the Education, Military, Labour and similar units in our Missions abroad should not be treated as a part of the Chancery for the purpose of giving advance increments nor should they be treated as separate offices. The recommendations from these offices, may be pooled with parent administrative departments in Pakistan. In cases where there are no such parent departments the recommendations from same type of units in all our

Missions abroad should be pooled together and treated as emanating from one office, e.g., recommendations from all Educational units would be considered together as would be done in case of anyone single office.

2. All Ministries and Divisions are requested to instruct their technical officers in the Pakistan Missions abroad to forward their recommendations accordingly.

(Establishment Division O.M. No. 5/1/63-C.V, dated the 7th January, 1964.)

Annexure VI (For informtion)

In partial modification of para 1 (a) of the Establishment Division O.M. No. 25/2/61-C.V., dated the 13th December, 1961, it is stated that the Committee to decide cases regarding grant of advance increments to Class II and Class III Government servants shall be composed of the Deputy Secretary (Regulations), Ministry of Finance, and Deputy Secretary, Establishment Division (or an officer of the status of Deputy Secretary and above concerned with the work).

(Establishment Division O.M. No. 5/3/63-CV dated the 17th November, 1964).

Sl. No. 53.

A question has been raised whether, with the substitution of Efficiency Honorarium for advance increments, it is still necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of Efficiency Honorarium. After a careful consideration of the financial aspect of the matter, it has been decided that it will not be necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of Efficiency Honorarium provided the recommendations are not based on the recommendees' good preformance under the Provincial Governments.

(Establishment Division O.M. No. 5/1/63-C.V/LR-II, dated the 13th March, 1965).

Essential requirements for grant of "Efficiency Honorarium":

Sl. No. 54 :

The Efficiency Honorarium Committee at its meeting held recently, while considering the recommendations received from various Ministries/Divisions etc., for the grant of efficiency honorarium to the Government servants in recognition of merit in public service, took the following decisions of general nature :—

(*i*) It was decided that the Ministries/Divisions etc., should be requested to check before sending recommendations for the grant of efficiency honorarium

whether any person from amongst those recommended was granted advance increments/efficiency honorarium previously. This fact should be clearly stated while sending the recommendations.

(*ii*) Efficiency honorarium is meant for meritorious service and flawless career throughout. One or two good reports are not enough to merit grant of such honorarium. While going through the records of service of the persons recommended for the grant of efficiency honorarium, the Committee observed that one of the recommendees had been censured earlier. The Committee, therefore, desired that the record of service of the persons should be carefully examined before recommending their names for the grant of efficiency honorarium.

(*iii*) The Committee decided that for the grant of efficiency honorarium a Government servant should have put in at least five years service.

(*iv*) Since no character roll is maintained in respect of Staff Car Drivers, the Committee felt that it was necessary that something in writing was placed before it about the general performance of the Drivers recommended for the grant of efficiency honorarium.

(*v*) Lastly, the Committee decided that not more than two persons from each eligible category should be recommended at any one time for the grant of efficiency honorarium from each Division/Department.

2. The above decisions are brought to the notice of the Ministries/Divisions etc., for guidance and compliance.

(Establishment Division O.M. No. 5/1/63. C. II, dated the 24th July, 1967.)

CHAPTER V

THE CIVIL SERVICE OF PAKISTAN

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THE CIVIL SERVICE OF PAKISTAN

SECTION A

FORMATION OF THE CIVIL SERVICE OF PAKISTAN (INCLUDING JUDICIAL BRANCH) AND MATTERS RELATING TO APPOINTMENT, PROBATION, TRAINING, POSTINGS/TRANSFERS, SENIORITY, CONFIRMATION, LEAVE, ETC., OF C.S.P. OFFICERS.

Sub-Section A(1).

The formation/constitution of the Civil Service of Pakistan.

C.S.P. Resolution and principal decisions of Government :

Sl. No. 1 :

CABINET SECRETARIAT

(Establishment Branch)

Karachi, the 8th November, 1950.

RESOLUTION

No. F.25/4/50-Ests(SEI).—Before the Partition, the premier administrative Service in India was the Indian Civil Service. This was a single service divided up into a number of cadres on a Provincial basis. Officers appointed to this Service were allotted to the various Provinces and they remained members of the Indian Civil Service cadre of their Provinces throughout their careers. The Central Government met their own needs by the deputation of officers from the Provinces. There was also in undivided India the Indian Political Service, the two main sources of recruitment to which were the Indian Civil Service and the Indian Army.

2. The Government of Pakistan have decided to constitute their Civil Service as a centralised Service on an All-Pakistan basis. It will be called THE CIVIL SERVICE OF PAKISTAN. This decision has been taken in order to create a well-k nit Civil Service for the whole of Pakistan, constituted and operated on a centralised basis, thereby increasing association between the various Provinces and developing homogeneity in administration. The member s of this Service, who shall be liable to be posted to any of the Provinces of the Dominion, will be administratively more useful to the Central as well as the Provincial Governments than if they belonged to Provincial cadres, because of the knowledge and experience they will acquire by serving in the Provinces of West Pakistan as well as in East Pakistan, and uniform standards of administration in all parts of the Dominion will also be achieved.

3. The Civil Service of Pakistan shall consist of a central cadre as distinct from the Provincial cadres of the former Indian Civil Service. All members of the Service shall be liable to serve in any Province.

The Service shall consist of posts on the cadre of the former Indian Civil Service in the various Provinces and on the cadre of the former Indian Political Service and of most of the higher posts in the Central Secretariat. The posts which will form this centralised cadre are mentioned in the Annexure. Posts may in future be added to or removed from the cadre.

4. The principal decisions of Government with regard to the constitution of the Civil service are given below :—

Initial Composition of the Service :

Initially, the Civil Service of Pakistan shall be composed of the following :—

(*a*) Officers of the former Indian Civil Service and the former Indian Political Service employed in Pakistan in continuation of service (other than those who might be transferred to the Pakistan Foreign Service) ;

(*b*) Officers appointed to the Pakistan Administrative Service ;

(*c*) Officers to be recruited on an *ad hoc* basis from the Provincial Civil Services, in numbers not exceeding, for each Province, 10 per cent. of the duty posts reserved for the Civil Service of Pakistan in that Province.

The Central Government will lay down the procedure of making recruitment from the Provincial Civil Services.

Normal recruitment to the Service :

In future, recruitment to the Service shall be made by selection on the basis of an open competitive examination to be held each year by the Federal Public Service Commission except in the case of officers of the Armed Forces, who may be appointed to the Service on the recommendations of the Commission arrived at through an interview and a scrutiny of service records.

Appointment and training :

(1) Appointments to the Service shall be made by the Central Government.

(2) Candidates appointed direct to the Service will be appointed on probation and will be required to undergo training in the Civil Service Academy at Lahore.

(3) Rules regulating the conduct, discipline and training of probationers will be issued separately by the Central Government.

(4) A probationer on successful completion of his probation may be confirmed in the Service.

Initial postings and liability for transfer :

Omitted in view of Government orders contained in the Establishment Division letter No. 9/58/59-*CI, dated the* 13*th August*, 1960 *and* 18*th November*, 1960 (*Sl. No.* 12).

Promotions and leave :

(1) Promotions from the junior scale to the senior scale on an officiating basis may be made by the Provincial Government concerned, but the Central Government shall be informed.

(2) Substantive appointments to the senior scale shall be made by the Central Government on the recommendations of the Pakistan Public Service Commission, who will ascertain the views of the Provincial Government concerned and forward them to the Central Government with their own recommendations.

(3) Appointments at the Centre, including appointments of Secretaries to Government, shall be treated as tenure appointments.

(4) The Provincial Governments may grant leave to officers of the Service for a period of 4 months or less. Leave in excess of 4 months shall be granted by the Central Government.

Listed Posts in Provinces :

(1) Posts not exceeding 25 per cent of the Superior posts allocated to the Provinces in the Annexure shall be treated as Listed appointments, which officers of the Provincial Civil Services will be eligible to hold. The position shall, however, be reviewed after 5 years.

(2) Promotion to Listed Posts shall be made in consultation with the Pakistan Public Service Commission, in accordance with the procedure which may be laid down by the Central Government.

(3) Provincial Governments may make promotions to Listed Posts only on an officiating basis and in each case the Central Government shall be informed. Confirmations in the Listed Posts shall be made by the Central Government, on the recommendations of the Provincial Governments and in consultation with the Pakistan Public Service Commission.

(4) In the matter of disciplinary safeguards, permanent holders of Listed Posts shall have the same rights as members of the Service.

(5) Holders of Listed Posts shall not be liable to be transferred away from Provinces in which they are serving except to the Centre.

[Please also *see* Rule 7 of the C.S.P. (Composition and Cadre Rules)].

Appointments to posts at the Centre.

(1) Not less than 2/3rd of posts of Deputy Secretary at the Centre shall be reserved for officers of the Service. For the remaining posts in these grades, officers of the Service as well as officers not belonging to the Service, *i.e.*, officers of the Central Services Class I, the Secretariat Service, the General Administrative Reserve and the Provincial Services, shall be eligible.

This decision shall be reviewed at the end of 5 years.

(2) Not less than 2/3rd of posts of Secretary and Joint Secretary at the Centre taken together shall be reserved for the Service but officers of the Service as well as officers not belonging to the service shall be eligible for appointment to the remaining posts in those grades.

NOTE.—The above decisions shall apply to posts others than the posts which may be included in the Pool of officers which is being constituted on the lines of the Pool of the Finance and Commerce Departments in undivided India.

5. ORDERED that this Resolution should be published in the official Gazette.

ANNEXURE

Schedule

CIVIL SERVICE OF PAKISTAN

CADRE STRENGTH

Superior Posts

Centre:

Secretaries	10*	
Joint Secretaries	8*	
	18	
Less one-third	6	
		12
Deputy Secretaries	26*	
Less one-third	9	
		17

*Including temporary posts.

East Bengal :

Chief Secretary	1	
Member, Board of Revenue	1	
Commissioners of Divisions	3	
Secretaries to Government	8	
Joint Secretaries	3	
Deputy Secretaries	5	
Provincial Transport Commissioner	1	
District Magistrates	17	
Additional District Magistrates	10	
District Judges	15	
Additional District Judges	8	
Director of Land Records and Survey ..	1	
Settlement Officer	1	
Private Secretary to Governor	1	
Secretary of Chief Minister	1	
Commissioner of Excise and Taxation ..	1	
Registrar of Co-operative Societies	1	
Registrar, High Court	1	
Judges, High Court	2	
	81	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25 %	20	
		61

Punjab :

Financial Commissioner	1
Development Commissioner	1
Chief Secretary	1
Commissioners	3
Secretaries to Government	4
Legal Remembrancer	1
Deputy Secretaries	2
Secretary to Governor	1

Secretary to Chief Minister	1	
Deputy Commissioners	16	
Colonisation and Settlement Officers	4	
Provincial Transport Controller	1	
Director of Industries	1	
Registrar of Co-operative Societies	1	
Judges of High Court	2	
Registrar, High Court	1	
District and Sessions Judges	12	
Additional District and Sessions Judges	2	
	55	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25%	14	
		41

Sind :

Chief Secretary to Government	1	
Secretaries	3	
Secretary to Governor	1	
Deputy Secretaries	2	
Revenue Commissioner for Sind	1	
Collectors	7	
Deputy Commissioner, Upper Sind Frontier	1	
Manager, Encumbered Estates	1	
Revenue Officer, Lloyd Barrage	1	
Anti-Corruption Officer	1	
Judges, Chief Court	2	
District and Sessions Judges	4	
Remembrancer of Legal Affairs	1	
Administrator, Karachi	1	
Deputy Administrator, Karachi	1	
Collector, Karachi	1	
	29	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25%	7	
		22

N.-W.F.P. :

Revenue and Divisional Commissioner ..	1		
Chief Secretary	1		
Secretaries to Government	3		
Secretary to Governor	1		
Political Agents, Kurram, Khyber, North Waziristan, Malakand and South Waziristan ..	5		
Deputy Commissioners	6		
Judicial Commissioner	1		
District and Sessions Judges	3		
Senior Sub-Judge, Peshawar	1		
Additional District and Sessions Judges ..	2		
Political Secretary to His Excellency the Governor, N. W.F.P.	1		
	25		
Posts to be filled by promotion of Provincial Civil Service Officers at 25%	6	19	

Baluchistan :

Agent to the Governor-General	1	
Revenue and Judical Commissioner	1	
Secretary to Agent to the Governor-General ..	1	
District and Sessions Judge	1	
Political Agents	5	
Political Secretary to the Agent to the Governor-General	1	
Deputy Secretary to the Agents to the Governor-General	1	
Wazir-i-Azam, Kalat	1	
	12	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25%	3	9
Total		181

Posts to be filled by direct recruitment	181
Deputation Reserve @ 10%	18
Leave Reserve @ 15%	27
Training Reserve @ 10%	18

Junior Posts

Centre	24	
East Bengal	13	
Punjab	9	
Sind	12	
N.-W.F.P.	22	
Baluchistan	8	
		88
Direct recruitment posts		332
Promotion posts		50
Total Authorised Strength		382

NOTE.—Please see serial No. 2 and 5 in this Sub-section. The schedule to the Resolution has also been superseded by the Schedule attached to the Civil Service of Pakistan (Composition and Cadre) Rules, 1954.

Sl. No. 2 :

A Resolution was issued by the Government of Pakistan in the official Gazette of the 8th November, 1950, relating to the formation of the Civil Service of Pakistan. That Resolution contained the principal decisions of the Government of Pakistan with regard to the creation of the Civil Service of Pakistan, but certain other decisions were taken by the Central Government after consultation with Provincial Governments which were not incorporated in the Resolution, and these decisions are now communicated.

2. *Omitted in view of para* 6 *of Sl. No.* 5.

Ad-hoc selection of P.C.S. Officers for the C.S.P.

3. *The ad hoc* selection of certain Provincial Civil Service Officers to the C.S.P. will be made on the recommendations of the Pakistan Public Service Commission, who will examine the confidential records of the officers concerned and also interview them. It has been decided that the Chief Secretary of the Provincial Government concerned should be associated with the Pakistan Public Service Commission at the time of selection. It has also been decided that P.C.S. officers serving at the Centre in Superior posts comparable to Superior posts in the Provinces should also be eligible for this *ad hoc* recruitment.

Promotion to District Charge.

4. With regard to promotion from the Junior to the senior time-scale, the main decisions regarding which have been recorded in the Resolution, it has been decided that officers should, for the time being, be eligible for district charge

after 3 years of service, excluding the period of training, except in the case of war service candidates to whom no time-limit should be applicable. But district charge should not be given until an officer has passed the departmental examinations. The time-limit should be reviewed after the existing position of an acute shortage of officers has improved.

Application of 'next below' rule. 5. It has also been decided that the "next below" rule should not be applied normally in connection with appointments to selection posts above the time-scale but cases of hardship will be considered on their merits, if and when they arise.

Promotion to Listed Posts. 6. So far as promotions to Listed Posts are concerned, Provincial Governments should please prepare "fit" lists for promotion to such posts in consultation with the Pakistan Public Service Commission, who should be addressed through the Establishment Division and within those lists, the order of promotion should be determined by seniority.

7. It has also been decided that the number of posts in the C.S.P. cadre which are filled by *ad-hoc* recruitment should not be deducted from the number of Listed Posts.

Officiating holders of Listed Posts in excess of reserved quota. 8. As the shortage of C.S.P. Officers will continue for some years, P.C.S. Officers holding Superior posts in excess of the number of Listed Posts should continue to officiate in them until replaced by C.S.P. Officers. All officiating appointments to Listed Posts made after Independence in excess of the number of Listed posts should be reported to the Central Government, so that the latter may be in a position to make sure that no C.S.P. officer of the requisite seniority is available for promotion against any of those posts. Therefore, a statement showing the names and the dates of birth of the officers concerned, together with the dates on which they were appointed to the P.C.S. and the dates on which they began to officiate in Listed Posts should be furnished to the Central Government. It will be appreciated if particulars are given separately in respect of executive and judicial posts.

Terms and conditions of Listed Post holders. 9. It has also been decided that Provincial Governments should be reminded that, as the terms and conditions of service of holders of Listed Posts are the concern of the Central Government, no change therein should be made by Provincial Government and requested that, if any change has been made, it should be reported to the Centre.

Training and seniority of C.S.P. Probationers. 10. So far as the training of probationers is concerned, candidates appointed direct to the C.S.P. will be appointed on probation and will undergo training in the

Academy at Lahore which will now be known as the 'Civil Service Academy'. It has been decided that, while they are at the Academy, probationers will not be marked for conduct and general ability but that there should be one test at the Academy and thereafter the probationers must appear for a final examination which will be conducted by the Pakistan Public Service Commission. The final seniority of these probationers in the C.S.P. will be determined by the aggregate of marks obtained at the competitive entrance examination held by the Pakistan Public Service Commission, the test held at the Academy, and the post-training examination conducted by the Pakistan Public Service Commission.

Officers on the Frontier List.

11. It will be seen from the Resolution that one of the units within which the Centre will make transfers will be the Frontier List. It has been decided that, in order to have an adequate number of specialists for this unit, C.S.P. Officers of about 3 years' service should be invited to apply for continuous service in that unit for the rest of their careers and they should be given some military training if they are not *ex*-servicemen. There will be no bar to their transfer outside this unit, though such transfers are expected to be rare. A Screening Committee consisting of the Establishment Secretary, Chief Secretary, West Pakistan, the Secretary, Ministry of Defence and the Secretary, Ministry of States and Frontier Regions, will consider applications and make selections. The officers on the Frontier List would also be required to sit in departmental examination designed to test their knowledge of Afghanistan and Frontier history, Military operations, administrative and economic problems generally.

12. The question of posts in the States of Bahawalpur and Khairpur was also considered and the decision in that connection is that deputation posts in those States should be filled by the selection of suitable officers from the whole cadre, in consultation with the Ministry of States and Frontier Regions.

13. Finally, if any Provincial Government desires later to add to posts shown in the cadre, the approval of the Central Government should please be obtained.

14. All officers affected by these decisions may kindly be apprised of them.

[Establishment Secretary's d.o. No. F. 25/4/50-Ests. (SE-I), dated the 28th December, 1950 as amended *vide* d.o. of same number, dated the 1st September, 1951, along with verbal changes].

Sl. No. 3 :

REFERENCE :—*Para* 11 *of the Establishment Secretary's d.o. No. F.*25/4/50-*Ests.*(*SE.I*), *dated the* 28*th December*, 1950 (*as amended*).

2. The basic orders regarding postings are :—

" During the first 5 years of their service, officers should be posted to particular Provinces and they should remain there for that period in order to learn thoroughly the language, customs, traditions, local laws, etc., of these Provinces.

Within the next 5 years, officers posted initially in East Pakistan should serve for at least 3 years in West Pakistan and *vice versa* ".

In case an officer posted initially to East Pakistan for the first 5 years is selected, after 3 years of service, for the Frontier List, and is straightway posted to the N.W.F.P. after Military training, if necessary, the requirement of service in the " other " Wing of Pakistan will have been fulfilled. But if an officer originally posted to one of the Provinces of West Pakistan for the first 5 years is selected, after 3 years of service, for the Frontier Unit, and is posted forthwith to the N.W.F.P., the requirement will not be fulfilled.

3. Since it would be contrary to the conception of the centralised Cadre if an officer belonging to West Pakistan were to remain totally ignorant of life in East Pakistan and *vice versa* it has been decided that officers posted initially to West Pakistan, if selected for quasi-permanent employment on the Frontier shall as the present rules require, first be sent to East Pakistan for some years. But while this provision will be retained, the period of posting to East Pakistan will be reduced from 3 to 2 years in the case of such persons only. The reason is that, once a man is selected for this specialised work, it is desirable that he begins it as soon as possible consistent with gaining some experience of East Pakistan.

(Establishment Division letter No. 25/165/51-SEI, dated the 10th September, 1952.)

Listed Posts (Substantive Appointments) Act, 1967.

Sl. No. 3-A:

The following Act of the National Assembly received the assent of the President on the 14th December, 1967, and is hereby published for general information:—

Act No. XVI of 1967.

An Act to provide for vesting in the President the power to make substantive appointment to certain posts in connection with the affairs of a Province.

WHEREAS Article 178 of the Constitution provides that, subject to the Constitution and law, appointments to a civil post in connection with the affairs of a Province shall be made, and the terms and conditions of service of a person, not being a member of an All-Pakistan Service, serving in connection with the affairs of a Province shall be prescribed, by the Governor of the Province or a person authorised by the Governor in that behalf;

AND WHEREAS it is expedient to provide for vesting in the President the power to make substantive appointment of persons, not being members of the Civil Service of Pakistan, to certain posts in connection with the affairs of a Province which are borne on the cadre of that Service and for matters ancillary thereto;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central Legislation in the matter;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Listed Posts (Substantive Appointments) Act, 1967.

(2) It shall come into force at once.

2. *Power to specify a percentage of C.S.P. cadre posts to be filled by others.*—The President may, by rules, prescribe a percentage of the superior posts in connection with the affairs of a Province borne on the cadre of the Civil Service of Pakistan which may be filled by persons who are not members of the Civil Service of Pakistan; and a post which may be filled by such person is hereinafter referred to as a "Listed Post".

3. *Power to make substantive appointments to a listed post of certain persons.*—Substantive appointment of a person, not being a member of the Civil Service of Pakistan, to a listed post shall be made by the President after consultation with the Provincial Government concerned and the Central Public Service Commission.

4. *Validation.*—Any such appointment as is mentioned in section 3 made by the President before the commencement of the Act shall be deemed to have been made under this Act as if this Act were in force when such appointment was made.

5. *Power to make rules.*—The President may make rules to prescribe—

(*a*) the percentage of posts referred to in Section 2;

(*b*) the remuneration and other terms and conditions of service of persons appointed under section 3; and

(*c*) such other matters as may be necessary for carrying out the purposes of this Act.

(National Assembly of Pakistan Notification dated the 15th December, 1967.)

@Formation of the Judicial Branch of the C.S.P. and pay of officers :

Sl. No. 4 :

The question relating to the transfer of C.S.P. Officers to the Judicial Branch was considered at the Governors' Conference held on the 14th February, 1959 at Lahore. A copy of the decision reached thereat is enclosed (Annexure) for information and necessary action.

2. It may the stated in this connection that the Central Government have agreed in principle to place 10% of the senior scale Judicial posts in the selection grade on a pay of Rs. 3,000 p.m. for officers on the *ex*-I.C.S. scale and Rs. 2,000 p.m. for officers drawing pay in the prescribed scale.

3. As regards the phasing of transfer of C.S.P. Officers to the Judicial Branch it may be mentioned that the considered view of the Central Government is that transfers to the Judicial Branch should be staggered and it should start with 2 or 3 officers in each Wing and then transfer 1 or 2 officers every year to this Branch till all the reserved posts are filled by the C.S.P. Officers. *[It is requested that the views of the Provincial Government, in consultation with the High Courts, may kindly be forwarded to the Establishment Division.]

(Establishment Division d.o. No. 25/101/54-SEI, dated the 25th March 1959.)

@*Note.*—Also see para 6 of Estt. Div. letter No. 25/12/51-SE.1 dt. 21st June, 1954 (Sl. No. 5).

ANNEXURE

* * * * * *

" ITEM No. 5.—*Formation of the Judicial Branch of the C.S.P.*

(1) The existing system of transfer of C.S.P. Officers to the Judicial Branch should continue. The Establishment Division should re-examine the question of emoluments to be given to officers appointed to the Judicial Branch, in the light of the general principle that pay be related to the responsibility attaching to a post. The question of selection grade posts and the phasing of transfer of C.S.P. Officers to the Judicial Branch should be reviewed by the Establishment

*Note :—For further orders on the subject pl. see Sl. No. 4-C, below.

Division in consultation with the two Provincial Governments and the High Courts. The Establishment Division should expedite the transfer of officers who have already been proposed for transfer to the Judicial Branch.

(2) A new entry should be made in the Character Roll of all officers which should indicate whether an officer had a special aptitude for executive work, secretariat work or judicial work".

[Extract of decisions reached at the Governors' Conference held on Saturday, the 14th February, 1959 at Lahore and communicated by the Cabinet Division *vide* their Memo. No. 2(2)-SG 59, dated the 25th February, 1959.]

Selection Grade posts of District and Sessions Judges :

Sl. No. 4-A :

The sanction of the President is conveyed to the conversion of two posts of ordinary grade District and Sessions Judge into those of Selection Grade District and Sessions Judge with immediate effect.

2. These two posts are in addition to the post of Selection Grade District and Sessions Judge already sanctioned for the former Punjab Cadre with effect from the 15th August, 1947.

3. The pay attached to the Selection Grade Post of District and Sessions Judge will be Rs. 3,000 p.m. for officers of the I.C.S. and Rs. 2,000 p.m. for officers drawing pay in the prescribed scale of pay. These rates of pay will, however, be admissible to officers who have completed 17 years Class I Service. The pay of other officers who have not completed 17 years Class I Service should be restricted in accordance with the length of service formula prescribed in the Revision of Pay Rules, 1951.

4. If a Legal Remembrancer/Law Secretary is given pay in the selection grade of District and Sessions Judge he will not be entitled to any special pay.

(Establishment Division's letter No. 2/13/60-CI, dated the 2nd December, 1961.)

Revision of Selection grade of District and Sessions Judges :

Sl. No. 4-*B* :

The President has been pleased to decide that the fixed pay of Rs. 2,000 p.m. admissible to Selection Grade District and Sessions Judges drawing pay in the Prescribed Scales of pay shall, w.e.f. the 1st December, 1962, be revised to Rs. 2,300—100—2,600.

2. Fixation of pay in the Selection Grade scale of Rs. 2,300—100—2,600 and other conditions shall be regulated in accordance with the orders issued in this Ministry's O.M. No. Py. Gz. 1(7)/Imp/63, dated the 22nd April, 1964 read with this Ministry's O.M. No. Py. Gz. 1(27) Imp/64, dated the 8th December, 1964 as amended from time to time.

[Ministry of Finance O.M. No. Py. Gz. 1 (73)/Imp./65, dated the 16th August 1966].

Sl. No. 4-*C* :

The President has been pleased to decide that, following the practice in the I.C.S. before Independence C.S.P. officers who are considered more suitable for judicial posts should be transferred to the Judicial side, even against their wishes if necessary, in order to fill the requisite number of judicial posts on the C.S.P. Cadre.

2. The President has been further pleased to decide that :—

(*a*) the stage of transfer to the Judiciary should normally be very early in the 5th year of service ; and

(*b*) even in the later stages of service, if an officer is considered suitable for the Judiciary, he should be transferred to that Branch.

(Establishment Division's letter No. 5/1/63-CI, dated the 1st October, 1963.)

The Civil Services (Qualification for Appointment as High Court Judge) Act, 1965 :

Sl. No. 4-*D* :

The following Act of the National Assembly received the assent of the President on the 2nd December, 1965, and is published for general information :—

ACT No. XXI OF 1965

An Act to prescribe the Civil Service of Pakistan to be a civil service for the purposes of paragraph (*b*) of clause (2) of Article 92 of the Constitution.

WHEREAS it is expedient to prescribe the Civil Service of Pakistan to be a civil service for the purposes of paragraph (*b*) of clause (2) of Article 92 of the Constitution ;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central Legislation in the matter ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Civil Services (Qualification for Appointment as High Court Judge) Act, 1965.

(2) It shall come into force at once.

2. *C. S. P. to be civil service for purposes of Article* 92 (2) (*b*) *of the Constitution.*—The Civil Service of Pakistan shall be a civil service for the purposes of paragraph (*b*) of clause (2) of Article 92 of the Constitution.

(The Gazette of Pakistan Extraordinary dated the 3rd December, 1965.)

Sub-Section A(2)

The C.S.P. (Composition and Cadre) Rules, 1954 *and relevant orders/instructions.*

Introductory letter :

Sl. No. 5 :

A copy of the Civil Service of Pakistan (Composition and Cadre) Rules, 1954, framed by the Government of Pakistan, embodying the agreement reached at between the Central and the Provincial Governments regarding the constitution of the Civil Service of Pakistan as a Centralised Service and allied matters, is forwarded (Annexure).

2. The details of the constitution of the Service have already been communicated to Provincial Government *vide* the Establishment Division Resolution No. F. 25/4/50-Ests.(SEI), dated the 8th November, 1950, and their letter of the same number, dated the 28th December, 1950. The present Rules give statutory effect to that constitution. Procedural matters not included in these Rules will continue to be dealt with in the manner laid down in the Resolution dated the 8th November, 1950, and the letter dated the 28th December, 1950, referred to above.

3. Separate Rules relating to the matters covered by rule 4 of the Civil Service of Pakistan (Composition and Cadre) Rules have been framed [and reproduced in Section A(3) of this Chapter].

4. With reference to rule 10 of the Cadre Rules the Government of Pakistan intend that no reports required to be made to them under rules 8 and 9 need be made by Provincial Governments for a period of one year for the present. The position will be reviewed after a year.

5. The Schedule contains particulars of the cadre posts. Entries relating to such posts in Provinces have been made from the particulars furnished by Provincial Governments in reply to the Establishment Division letter No. 25/97/51-SEI, dated the 13th August, 1951. Any changes that have taken place after their reply referred to above may please be communicated to the Establishment Division for appropriate action.

6. Cadre posts also include Judicial posts. Since it has now been decided that there should be a Judicial Branch of the Civil Service of Pakistan. This decision is in accord with the proposal

which received the unanimous support of the Provincial Governments, when it was originally discussed at the time of the constitution of the Civil Service of Pakistan. *[Details are being worked out and a separate communication will be addressed to Provincial Governments shortly].

(Establishment Division letter No. 25/12/51-SEI, dated the 21st June, 1954.)

* Note :—For further orders regarding the Judicial Branch of the C.S.P. pl. see Sls. No. 4—4C above.

ANNEXURE

CIVIL SERVICE OF PAKISTAN (Composition & Cadre) Rules, 1954

NOTIFICATION

No. F. 25/12/51-SEI.

GOVERNMENT OF PAKISTAN

CABINET SECRETARIAT

(Establishment Division)

Karachi, the 21st June, 1954

WHEREAS the Governor-General and the Governors of East Bengal, the Punjab, Sind and the North-West Frontier Province have agreed that there shall be constituted a Service of the Federation to be known as the Civil Service of Pakistan and that certain posts in connection with the affairs of the Provinces shall be filled by members of that Service and specify, as far as need be, the conditions of service of its members, whether serving in posts in connection with the affairs of the Federation or of a Province ;

NOW, THEREFORE, in pursuance of that agreement, and in exercise of the powers conferred by sub-sections (1) and (2) of section 241 of the Government of India Act, 1935, and of all other provisions empowering him in this behalf, the Governor-General is pleased to make the following Rules :—

1. These Rules may be cited as the Civil Service of Pakistan (Composition and Cadre) Rules, 1954.

2. In these Rules, unless the context otherwise requires :

   (*a*) "Cadre post" means any duty post included in the Schedule ;

   (*b*) "Commission" means the Pakistan Public Service Commission ;

   (*c*) "Schedule" means the Schedule to these Rules ;

   (*d*) "Service" means the Civil Service of Pakistan.

3. Appointments to the service shall be made by the Governor-General on the results of open competitive examination held by the Commission* [except in the case of officers of the Armed Forces, who may be appointed to the Service on the

recommendation of the Commission arrived at through an interview and a scrutiny of service record.]

4. Persons appointed to the Service shall, unless the Governor-General otherwise directs, be appointed on probation and the Governor-General may make rules specifying the terms and incidents of such probation. In particular, he may provide for the removal from the Service during his term of probation of any person whose conduct and progress is unsatisfactory or for the withholding of increments from such persons.

5. The Cadre posts shall be filled either by members of the Service or by persons, not being members of the Service, appointed in accordance with the provisions of these Rules.

6. ¶(1) Not more than one third of the Cadre posts of Deputy Secretary under the Central Government may be filled by officers not being members of the Service.

(2) Not more than one third of the total of the Cadre posts of Secretary and Joint Secretary under the Central Government, taken together, may be filled by persons not being members of the Service.

Note.—The above shall apply only to posts other than those included in the Cadre of the Finance and Commerce Pool.

†7. (1) Cadre posts not exceeding ‡30% of the Superior Executive posts in any Province may be filled by members of the Provincial Civil Services (Executive Branch). Such appointments shall be made by the Governor-General on the recommendation of the Provincial Governments and in consultation with the Commission.

(2) Not more than one-third of the posts of District and Sessions Judge and equivalent Superior Judical posts in Provinces shall be filled by recruitment from the Bar and not less than one-third from the Provincial Civil (Judicial) Services. **Such appointments shall be made by the President on the recommendation of the High Courts and in the case of members of the Provincial Civil (Judicial) Service in consultation with the Commission.

8. (1) The Governor-General, in the case of posts in connection with the affairs of the Federation, and the Governor in the case of posts in connection with the affairs of a Province, may, as the exigencies of the public service require, appoint a person not being a member of the Service to any Cadre post.

(2) Every such appointment made by a Governor shall be provisional and, if the person so appointed is intended to hold the appointment for a period exceeding 3 months, shall forthwith be reported to the Governor General with the reasons for making it and if the Governor-General so directs the Governor shall thereupon cancel the appointment.

(3) Any person appointed to hold a Cadre post under this rule shall not be employed in the post for a period exceeding 12 months save with the previous sanction of the Governor-General

9. (1) If a Governor proposes to keep any Cadre post in connection with the affairs of a Province vacant for a period exceeding 3 months, he shall forthwith make a report to the Governor-General of the reasons for the proposal, the period for which he proposes to keep the post vacant and whether it is proposed to make any and, if so, what arrangements for the performance of the duties of the post held in abeyance.

(2) If the Governor-General directs that the post shall be filled, the Governor shall appoint a person to fill it in accordance with the provisions of these rules.

10. The Governor-General may by special or general order temporarily dispense with the provisions of rules 8 and 9 requiring a Governor to report to the Governor-General any case in which a Cadre post is filled otherwise than under rule 7 by a person not being a member of the Service or in which a Cadre post is kept vacant for a period exceeding 3 months.

11. The Governor of a Province may direct that two Cadre posts in connection with the affairs of a Province shall be held jointly if he considers this necessary for the purpose of facilitating any leave arrangement or for a period not exceeding 3 months if he considers this necessary for any other purpose.

12. No change shall be made in the duties of the holder of any reserved post if, in the opinion of the Governor-General, the character of that post would thereby be altered.

Provided that this shall not apply to a temporary change consequential on leave arrangements or to a change not arising from leave arrangements which will not last more than three months.

13. (1) The Governor-General may, from time to time, and in the case of posts in connection with the affairs of a Province, after consultation with the Governor of that Province, remove any post from the Schedule or include any post therein.

$(2) A Governor may, if the exigencies of the public service so require, create a cadre post in connection with the affairs of a Province below the rank of a Commissioner of a Division, for a period not exceeding three months. If subsequently the Governor proposes to retain that cadre post for a further period, he shall forthwith make a report to the President of the reasons for the proposal and the period for which he proposes to retain that post and shall act in accordance with such directions as the President may give.

14. An officer belonging to the Service shall be liable to serve anywhere in Pakistan under the Central Government and may be deputed by that Government to serve under a Provincial Government. He shall submit himself to the orders of the Government under which he is serving for the time being and of all the officers and authorities under whom he may from time to time be placed by that Government. His whole time shall be at the disposal of the Government under which he is serving.

15. The transfer of an officer belonging to the Service from one Province to another or from the Centre to a Province or from a Province to the Centre shall be made by the Central Government in consultation with the Provincial Government or Governments concerned.

16. The Governor-General may by rules provide for the conduct and discipline of officers of the Service, and officers of the Service shall at all times obey such rules, and shall perform such duties as may be assigned to them.

17. Subject to the provisions of section 10 of the Indian Independence Act, 1947, the Governor-General may frame rules regulating the remuneration and other conditions of service of officers of the Service.

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*Added *vide* Establishment Division Notification No. SRO-830 (K), dated the 7th July, 1960.

†Substituted *vide* Establishment Division Notification No. 25/12/51-SEI, dated the 3rd November, 1954.

$Added *vide* Establishment Division Notification No. SRO-830 (K), dated the 7th July, 1960.

‡Substituted *vide* Establishment Division Notification No. SRO-546 (K)/66, dated the 8th June, 1966. Takes effect from 15th January, 1966.

¶Amended *vide* Establishment Division Notification No. SRO-546 (K)/ 66, dated the 8th June, 1966. Takes effect from 15th January, 1966.

**Added *vide* Establishment Notification No. SRO 891(K), dated the 15th July, 1960.

SCHEDULE*

CIVIL SERVICE OF PAKISTAN

CADRE STRENGTH

Superior Posts

CENTRE.

Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3rd of 11 posts)	7	
Joint Secretaries in Ministries other than Ministries of Finance,, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3rd of 18 posts) ..	12	
Deputy Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3rd of 46 posts)	31	
Secretary, Central Public Service Commission ..	1	51
Posts under the Ministries of Finance, Commerce, Industries and Economic Affairs :		
Class A posts (60% of 23 posts)	14	
Class B posts (60% of 44 posts)	26	
Class C (60% of 63 posts)	38	78

EAST PAKISTAN

A.—*Executive posts* :

Chief Secretary	1
Additional Chief Secretary	2
Member, Board of Revenue	3
Secretary (with the rank, status and pay of Commissioner)	5
Commissioner	4
Secretary	8
Joint Secretary	3
Deputy Secretary	23
Secretary to the Governor	1
Additional Commissioner	4
Deputy Commissioner	17
Additional Deputy Commissioner	40
Settlement Officer	4
Director of Land Records and Survey	1
Additional Director, Land Records and Survey ..	1
Director of Excise and Taxation	1
Registrar, Co-operative Societies	1
Secretary, Board of Revenue	1

Secretary, East Pakistan Public Service Commission	1	
Director of Labour	1	
Deputy Director, Basic Democracies	4	
Director of Procurement and Distribution ..	1	
Director of Industries	1	
	128	
Posts to be filled by promotion of Provincial Civil Service Officers (Executive Branch) @ 30% of the total number of Superior Executive posts ..	38	90

B.—*Judicial Posts* :

Judge, High Court		8
Registrar, High Court	1	
District and Sessions Judge	17	
Additional District and Sessions Judge	16	
Deputy Secretary, Law Department	2	
	36	
Posts of District and Sessions Judge and equivalent posts to be filled by P.C.S. Officers (Judicial) (not less than 1/3rd of total Judical posts), and by members of the Bar (not more than 1/3rd of the total Judicial posts)	24	12

WEST PAKISTAN

A.—*Executive Posts* :

Chief Secretary	1
Additional Chief Secretary	2
Member, Board of Revenue	4
Commissioner	12
Secretary (with the rank, status and pay of the Commissioner)	5
Secretary	8
Additional Secretary	2
Joint Secretary	4
Deputy Secretary	24
Secretary to the Governor	1
Additional Commissioner	11
Deputy Commissioner	39
Additional District Magistrate, Karachi ..	1
City and A. D. M., Karachi	1
Political Agent	12
Additional Political Agent	1
Director, Anti-Corruption	1

Director of Industries	1	
Director of Labour Welfare	1	
Registrar, Co-operative Societies (Regional) ..	2	
Director of Basic Democracies	12	
Colonisation/Settlement Officer	6	
Secretary, Board of Revenue	4	
Secretary, West Pakistan Public Service Commission	1	
	156	
Posts to be filled by promotion of P.C.S. Officers (Executive Branch) @ 30% of the total number of superior executive posts	47	109
B.—*Judicial posts* :		
Judge, High Court/Chief Court/Judicial Commissioner		7
Registrar, High Court	1	
District and Sessions Judge	28	
Additional District and Sessions Judge	17	
Chief Judge, Small Causes Court, Karachi ..	1	
Special Judge	1	
	48	
Posts of District and Sessions Judge and equivalent to be filled by P.C.S. Officers (Judicial) (not less than 1/3rd of the total Judicial posts), and by members of the Bar (not more than 1/3rd of the total Judicial posts)	32	16
Total ..		371
Posts to be filled by direct recruitment		371
Deputation Reserve @ 15% of the posts excepting those in the Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs in the Centre (15% of 293 posts)		44
Leave Reserve @ 7-1/2% of the posts excepting those in the Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs in the Centre (7-1/2% of 293 posts)		22
Training Reserve @ 7-1/2% of the posts excepting those in the Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs in the Centre (7-1/2% of 293 posts)		22
Deputation Reserve at		
(*a*) 20% of Class A posts in the Ministries of Finance, Commerce, Economic Affairs and Industries (20% of 14 posts)	3	
(*b*) 10% of Class B posts in the above Ministries (10% of 26 posts)	3	6

Leave Reserve at 10% of the total posts in Class A, B and C in the above Ministries (10% of 78 posts)		8
Training Reserve @ 10% of C Class posts in the above Ministries (10 % of 38 posts)		4

*Junior Posts**

EAST PAKISTAN :		
Section Officer	16	
Assistant Settlement Officer	5	
Assistant Commissioner	32	
Deputy Registrar, Co-operative Societies ..	2	55
WEST PAKISTAN :		
Section Officer	10	
City Magistrate	2	
Assistant Political Agent	7	
Assistant Commissioner	35	
Sub-Division Officer	32	86
Direct Recruitment posts		618
Promotion posts		141
Total authorised strength ..		759

*Substituted *vide* Establishment Division Notification No. S.R.O. 546 (K)/66, dated the 8th June, 1966.

Creation of temporary posts on the cadre of C.S.P. at the Centre :

Sl. No. 6 :

Posts of Secretary, Joint Secretary and Deputy Secretary at the Centre are borne on the C.S.P. Cadre, which is administered by the Establishment Division. It has, however, been noticed that additions to/deletion from this Cadre are made by Ministries without consulting the Establishment Division. It has, therefore, been decided that prior concurrence of the Establishment Division in addition to that of the Ministry of Finance, should invariably be obtained before any additional post is created on the C.S.P. Cadre or any existing post is abolished.

(Establishment Division Office Memorandum No. 1/9/61-CI, dated the 14th September, 1961.)

Sl. No. 6-A:

Instructions were issued in the Establishment Division O.M. No. 5/34/59-SR., dated the 13th February, 1961 (Sl. No. 23, Chapter XXVI, Vol. III) and O.M. No. 1/9/61, dated the 14th September, 1961 (Sl. No. 6 above) to the effect that prior concurrence of the Establishment Division should invariably be obtained before a post of Section Officer, Deputy Secretary, Joint Secretary or Secretary is created or any existing post is abolished. It was also provided that prior concurrence of Ministry of Finance should similarly be obtained.

2. It has been noticed that the above instructions are being overlooked by the Ministries and Divisions.

3. The Ministries and Divisions are once again requested to ensure that the instructions mentioned above are strictly observed.

4. The Ministry of Finance are requested that they should withhold financial approval unless the proposal has first been cleared by the Establishment Division.

[Establishment Div. O.M. No. 26(1)/68-AI(CI), dated the 20th February, 1968].

Delegation of powers to Provincial Governors for creation of temporary posts on C.S.P. Cadre and grant of Special Pay :

Sl. No. 7 :

The President has been pleased to delegate the following powers to the Governors of the Provinces :—

(*i*) power to create a temporary post on the C.S.P. Cadre, similar to an existing cadre post below the rank of

a Commissioner of a Division for a period not exceeding 6 months, if the exigencies of the public service so require, in connection with the affairs of a Province and to fix special pay for such a post not exceeding Rs. 400 p.m. ;

(*ii*) power to create a temporary post on the C.S.P. Cadre, which is not similar to one of the existing cadre posts, for a period not exceeding 3 months, if the exigencies of the public service so require, in connection with the affairs of a Province, below the rank of a Commissioner of a Division and to fix special pay for such a post not exceeding Rs. 400 p.m. ;

2. The grant of special pay will, however, be subject to the following conditions :—

(*a*) the amount of such special or of personal pay, or of both, should not exceed 1/5th of the pay (exclusive of special and personal pay) of the Government servant, or Rs. 10 a day, whichever is less ;

(*b*) if special pay is to be allowed for the arduous nature of duties attached to a post, it should not exceed the special pays attached to posts more or less of similar nature ;

(*c*) if the special pay is to be allowed in consideration of the unhealthiness of the locality in which the post is located, the special pay should not exceed the special pays attached to other posts of similar status in the same locality.

(Establishment Division letter No. 4/2/61-C.I, dated the 13th January, 1962.)

Sl. No. 7-A :

In modification of the Establishment Division's letter No. 4/2/61-CI, dated the 13th January, 1962 (Sl. No. 7), the President has been pleased further to delegate powers to the Governors of the Provinces to create temporary posts on the CSP Cadre below the level of Commissioner for such period as may be necessary whether or not these posts are similar to the existing cadre posts, until further orders.

2. The Provincial Governments are also authorised to retain for such period as may be necessary all or any of the posts already sanctioned as temporary additions to the CSP cadre, until further orders.

[Establishment Division's letter No. 1/40/65-C.I, dated the 16th September, 1965.]

Sub-Section A(3)

Rules for determining inter se *seniority of C.S.P. Officers and* Listed Post holders.

Sl. No. 7-B.

In supersession of all orders on the subject it has been decided by Government that the ICS (Regulation of Seniority) Rules, 1930, as amended in 1937 (Annexures I & II) would continue to govern the seniority of the existing officers of the CSP cadre and the listed post holders who were in service on the 18th August, 1965 and that in accordance with these rules the seniority of the listed post holders should be determined from the date of their confirmation in the listed posts while the seniority of CSP officers should be counted from the date of continuous officiation in the senior scale of the CSP.

2. It has also been decided that in the case of officers who entered service after 18th August, 1965, *inter-se* seniority should be determined from the date of confirmation of the CSP officers in the senior scale of the CSP and of the listed post holders in the listed posts.

3. The above decisions would not, however, affect the promotions already made in respect of the PCS officers.

(Establishment Division letter No. 1/50/65-CI dated the 16th November, 1965).

Annexure I

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 10th day of December, 1929, hereby makes the following Rules :—

1. These Rules may be called the *Indian Civil Service (Regulation of Seniority) Rules.*

2. In these Rules

(*i*) the term "holder of a listed post" means an officer not belonging to the Indian Civil Service appointed substantively to a superior post on the Indian Civil Service cadre, whether by promotion from the Provincial Civil Service or by appointment from the legal profession;

(*ii*) the term "recognised service" as applied to a holder of a listed post means employment after attaining the age of 25 either in Government service or as an enrolled pleader, vakil, or advocate, as the case may be.

3. The seniority *inter se* of holders of listed posts on the executive or judicial side as the case may be, is determined by the date of substantive appointment to a listed post.

4. An Indian Civil Service officer substantively appointed to a superior post on the executive or judicial side, as the case may be, shall take rank in order of seniority on that side above—

(*a*) *[any holder of a listed post who began to officiate continuously in a superior post on a date subsequent to the date on which the Indian Civil Service officer (or any officer Junior to him in the Indian Civil Service) began to officiate continuously in a superior post ;]

(*b*) Any holder of a listed post, whose recongised service is less than the total service of the Indian Civil Service officer;

(*c*) Any holder of a listed post who, though not falling within the description contained in paras. (a) and (b) above, is junior to any person falling within either of those descriptions and

(*d*) any Indian Civil Service officer already substantively holding a superior post who is junior to him in the Indian Civil Service.

5. For the purpose of these Rules an officer shall be treated as having officiated in a superior post during any period in respect of which the local Government certify that he would have so officiated but for his absence on leave, his tenure of a special appointment or other exceptional circumstances.

6. Nothing in these Rules shall affect the seniority of a holder of a listed post who was appointed substantively to a superior post in the Presidency of Bombay before the 6th day of October 1925 and in other provinces before the 9th day of March 1927.

(Circulated with the late Govt. of India, Home Department Endorsement No. F. 38/38-EST, dt. 12th Feb. 1930.)

Annexure II

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 9th day of March, 1937, hereby makes the following amendment in the Indian Civil Service (Regulation of Seniority) Rules, namely :—

For clause (a) of rule 4 of the said Rules the following clause shall be substituted, namely :—

"(*a*) Any holder of a listed post who began to serve continuously, whether in an officiating or substantive

*[Pl. *see* revised rule *vide* Annexure II.]

capacity, in a superior post on a date subsequent to the date on which the Indian Civil Service officer (or any officer Junior to him in the Indian Civil Service) began to serve continuously in the manner aforesaid in a superior post."

(Late Government of India Home Department Notification No. F. 169/36, dated the 22nd June, 1937).

The C.S.P. (Probation, Training and Seniority) Rules, 1954

Sl. No. 8 :

Pursuant to rule 4 of the Civil Service of Pakistan (Composition and Cadre) Rules, 1954, the Governor-General has been pleased to make the following rules :—

1. These Rules may be called the Civil Service of Pakistan (Probation, Training and Seniority) Rules, 1954.

2. In these Rules :—

(*i*)" the Academy" means the Civil Service Academy, Lahore ;

(*ii*) " the Commission " means the Pakistan Public Service Commission ;

(*iii*) "the Director" means the Director of the Civil Service Academy, Lahore ;

(*iv*) "the Government" means the Central Government ;

(*v*) "Probationer" means a person appointed to the Service on probation ;

(*vi*) "Service" means the Civil Service of Pakistan.

3. Every probationer shall undergo training at such places and for such periods as the Government may decide. This training shall normally include a period spent at the Academy, a period spent in East Bengal and a period spent abroad.

*4. During training at the Academy, every probationer shall be required to satisfy the Director in subjects forming part of the training and approved by the Government. In this connection, there shall be allotted a maximum mark of 500, distributed between subjects as approved by the Government. *[........]

4-A. Every probationer shall , before the commencement of this training, execute a bond, with one surety, to refund all moneys paid to him or spent in connection with his training, as may be determined by the President , in the event of failing to complete his probation to the satisfaction of the President or resigning his service during that period or within three years thereafter.

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*As amended *vide* Estt. Div. Notification No. 2/7/63-D II dated the 20th Sept. 1966.

5. A probationer who fails to satisfy the Director shall have his increments withheld for a period of three months, the withholding not to affect future increments ; but he shall have to satisfy the Director in such subject or subjects in an examination held subsequently.

*6. On the conclusion of his training in East Pakistan , every probationer shall be required to satisfy the Commission in an examination in subjects approved by the Government. In connection with this examination, there shall be allotted a maximum mark of 1,000, distributed between subjects as approved by the Government, and the marks obtained from this maximum by each probationer shall be used in the manner laid down in Rule 14 below in deciding his seniority.

7. If a probationer fails to satisfy the Commission in any subject or subjects in the examination referred to in Rule 6, Government may direct that he be re-examined by the Commission.

8. A probationer who fails to satisfy the Commission in the examination referred to in Rule 6, shall have his second increment withheld for a period of three months, the withholding not to affect future increments. In addition, the Government may require the probationer to undergo such further training as it thinks fit.

9. A probationer who, having failed to satisfy the Director in one or more subjects, fails to satisfy the Commission in one or more of these subjects, or who, having failed to satisfy the Commission in one or more subjects, fails to qualify in one or more of those subjects at the subsequent examination referred to in rule 7 shall be liable to such penalty, whether by way of removal from the Service, or loss of seniority or withholding of increments as the Governor-General may direct.

10. Where a probationer's training includes a period of study spent abroad, the probationer shall be required to devote himself to the pursuit of such studies and the Government may call for reports from suitable persons on the probationer's work. A probationer who fails to reach a satisfactory standard in such studies shall have his next increment withheld for a period of six months, the withholding not to affect future increments.

11. The Governor-General may in any case waive the withholding of the increment provided for in Rule 5, 8 or 10.

12. (1) On the conclusion of his training every probationer shall proceed to Province to which he has been deputed by the Government and shall there perform the duties allotted to him and pass within three years of joining that Province, such departmental examinations by such standards as may be prescribed by the Government of that Province.

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* As amended *vide* Estt. Div. Notification No. 2/7/63-D. II, dated the 20th Sept. 1966.

(2) Failure to pass the departmental examinations referred to in sub-rule (1) within the stipulated period shall be considered as "inefficiency" for the purpose of the Government Servants (Efficiency and Discipline) Rules, 1960 and penalised only by removal from Service.

13 (1) The period of probation of a probationer shall be two years or such longer period as the Government may at the time of his appointment specify.

(2) The period of probation under sub-rule (1) may by order made before the expiry of such period be extended by a period or successive periods not exceeding one year in the aggregate.

(3) Notwithstanding anything in the two foregoing sub-rules the probationary period shall not expire before the probationer has satisfied the Director and the Commission in any examination held under these Rules.

(4) Nothing in this rule shall operate to the prejudice of the provisions of rule 20.

*14. [The probationers appointed in one year shall rank in seniority, *inter-se*, in accordance with the sum of (*i*) the marks obtained in the open competitive examination, (*ii*) the marks, out of a maximum of 500, obtained during training at the Academy and (*iii*) the marks out of a maximum of 1,000 obtained in the examination referred to in Rule 6 ; provided that, notwithstanding the above, where the Government directs that a probationer undergo a further course of training, they may pass such orders fixing his seniority as may be expedient.]

15. If any probationer is prevented by sickness or any other adequate cause from completing his course of studies at the Academy or from appearing at the examination referred to in Rules 6 and 7, the Government may arrange for him to be specially examined in any or all of the subjects prescribed for these examinations after such interval as may seem to them suitable, having regard to the circumstances of the case, and may pass such orders fixing his seniority as may be expedient.

16. The service of a probationer shall count for leave and pension from the date of his joining the Academy.

17. Probationers shall be entitled to travelling allowance at the prescribed rates for Class I Officers on tour in respect of any journey performed during the period of their probation under the orders of the authority to whom their training is entrusted, and at transfer rates for themselves and their families, if accompanying them, in respect of journeys to East Bengal for training and from East Bengal to any part of Pakistan on posting.

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*As amended *vide* Estt. Div. Notification No. 2/7/63-D-II, dated the 20th Sept 1966.

18. The Director shall, when a probationer has completed four months in the Academy and again when he leaves the Academy, submit to the Government confidential reports on his work and conduct. The Collector of the district in which a probationer receives training in East Bengal shall submit one month before the anticipated termination of the probationer's training in East Bengal, a confidential report to the Commissioner who shall forward it to Government through the Chief Secretary, East Bengal, and the Director.

19. A probationer who fails to comply with the provisions of these Rules or to obey any orders which he may receive from the Government or from the Provincial Government under which he is serving, or from the Director, or from any other duly constituted authority, or who neglects his probationary studies, or is guilty of conduct unbecoming an officer of the Civil Service of Pakistan, shall be liable to removal from the Service or to such other action as the Governor-General may direct. Before a probationer is removed from service,he shall be given an opportunity to show cause against such action as required under Section 240(3) of the Government of India Act, 1935.

20. Nothing in these Rules shall be construed as limiting the power of the Governor-General to remove at any time a probationer from the Service if reasons exist which, in his judgment, justify such action, or as limiting his power to impose penalties as he deems expedient for misconduct or neglect of duties, or as requiring him to disclose reasons for any action taken under these Rules.

(Cabinet Sectt. Estt. Div. Notification No. 25/47/49-SEI dated the 15th June 1954—as amended upto September, 1966

Sub-Section A(4)

Instructions regarding postings/transfers, confirmation, leave, etc., of C.S.P. Officers.

Procedure for issuing Gazette Notification regarding posting/transfer of C.S.P. Officers :

Sl. No. 9 :

(*a*) When a C.S.P. Officer is transferred from the Centre to a Province, the necessary Gazette Notification "deputing" the Officer to the Province will be issued by the Establishment Division ;

(*b*) When an officer is transferred from a Province to the Centre, the Province concerned will notify the services of the officer concerned as having been "replaced" at the disposal of the Central Government ;

(*c*) Where an officer is transferred from a Province to another Province (under the orders of the Central

Government), the Province from which the officer concerned is transferred will notify his services as having been "placed" at the disposal of the Province to which the officer is transferred ;

(*d*) When a C.S.P. Officer is transferred from one Central Ministry to another, the transfer will be notified by the Establishment Division.

(Establishment Division letter No. 25/98/51-SEI, dated the 17th July, 1951 as amended *vide* letter of same number, dated the 2)th July, 1955.)

Procedure for appointment to posts on the C.S.P. Cadre :

Sl. No. 10 :

Under the C.S.P. (Composition & Cadre) Rules, 1954, at least two-third of posts of Secretary/Joint Secretary/Deputy Secretary in the Centre (excluding the Pool posts in the Ministries of Finance and Economic Affairs and the Commerce Division) are borne on the C.S.P. Cadre; and, under para 4(*b*) of the Establishment Division Resolution No. 10(1) 57-SEIII, dated the 16th September, 1959 regarding constitution of the Economic Pool, the ratio for recuritment to the Pool from the C.S.P. and all Services specified therein is as follows :—

(1) C.S.P.	60%
(2) All other services	40%

2. As more and more C.S.P. Officers are now likely to become available for the Centre, the Prime Minister has ordered that all appointments to posts meant for the members of the C.S.P. should henceforth be made strictly subject to the availability of C.S.P. Officers for the same.

3. It has been accordingly decided that whenever the post of a Section Officer or above will fall vacant in any Ministry/ Division in future, the latter should immediately inform the Establishment Division about it. The Establishment Division will, in the first instance, see, if the post, according to the disposition of officers in the Central Secretariat at that particular time, should go to a member of the C.S.P. or could be held by an officer of any other recognized service. In the former case, the Establishment Division will immediately try to secure the services of a suitable C.S.P. Officer for the post. And only if no C.S.P. Officer is available the officers from the other recognized services will be considered for it. The Ministry/Division concerned will then be informed that the appointment in question, if made, should be strictly subject to the replacement of the incumbent by a C.S.P. Officer, if and when one became available for the post. And if in the meantime, the officer concerned became eligible for appointment in the quota not meant for the C.S.P., the fact will

be duly intimated to the relevant Ministry/Division in each case for the information of all concerned.

(Establishment Division Office Memorandum No. 2(85)/58-SE. III, dated the 20th September, 1958 with verabal changes.)

Sl. No. 11 :

Communication of performance of C.S.P. Officers holding selection posts at the Centre on their reversion to the Provinces.

1. The Government of Pakistan have decided that the performance of all C.S.P. Officers in selection appointments at the Centre, will, when they are reverted to the Provinces, be communicated to the Provinces. In the case of out-going Secretaries to the Government of Pakistan, this communication will take the form of a letter addressed by the President to the Provincial Governor.

Promotion of C.S.P. Officers to higher tenure posts at the Centre.

2. The Government of Pakistan have further decided that it should be brought home once more to all concerned that the higher tenure posts at the Centre (as well as in the Provinces) are selection posts which no officer can claim as of right.

Procedure for postiugs at Commissioner's level.

3. The Government of Pakistan have also decided that in future its prior concurrence should be obtained through the Establishment Division to postings at the Commissioner's level and above. Reference regarding such postings should be made to the Establishment Secretary who will obtain and communicate the orders of the Government of Pakistan within 72 hours of receiving the reference. If, in any case, the orders of the Government of Pakistan are not communicated within this period, the Provincial Government may presume concurrence. At the same time, the Government of Pakistan will in future, where necessary interfere in Provincial postings orders at Commissioner's level and above on consideration of a representation received through the Governor from an officer who considers himself aggrived, and the previous concurrence to the posting order itself will not in such cases prejudice consideration of the representation.

(Establishment Secretary's letter No. F. 2(36)/60-E. IX, dated the 24th April, 1960.)

Policy regarding postings and transfers of C.S.P. Officers :

Sl. No. 12 :

REFERENCE :—*Establishment Division letter No. E. II, dated the 4th February*, 1960 (*Not reproduced*).

The question regarding the allocation and posting of C.S.P. Officers has been reconsidered and the following decisions have

now been taken, in supersession of all previous Government decisions on the subject :—

(*i*) The C.S.P. will continue to be an All-Pakistan Service with a Central Cadre ;

(*ii*) The permanent allocation of the *ex*-I.C.S. and *ex*-I.P.S. Officers to the two Provinces, communicated in this Division's letter No. E. II, dated the 4th February, 1960, is annulled ;

(*iii*) The post-Independence C.S.P. Officers should be posted to the Provinces on the basis of their domicile. These postings should be on a permanent basis except when they are required to serve in the Centre or in the other Province under the exigencies of public service;

(*iv*) The shortage of C.S.P. Officers of East Pakistan domicile in East Pakistan will be remedied by the temporary posting of officers of West Pakistan domicile. Such postings will not ordinarily exceed three years in the case of post-Independence recruits.

(Establishmen Division letter No. 9/58/59-SEI, dated the 13th August 1960 as amended *vide* letter of same number, dated the 18th November, 1960.)

Sl. No. 13 :

The following decisions have been taken :—

(*i*) The C.S.P. Officers should be posted to the Wing other than that of their origin or domicile at an early stage of their career ;

(*ii*) The inter-wing transfer scheme should embrace C.S.P. Officers up to and including the level of Deputy Commissioners;

(*iii*) The exchange should be, as far as possible, between Officers of comparable seniority;

(*iv*) The C.S.P. Officers so transferred should be required to do the normal duties of the posts they hold, but emphasis should be given to development work ; and

(*v*) The posting should be for four months.

2. It is requested that the East Pakistan Government and the West Pakistan Government should arrange the mutual transfer of officers in compliance with the above decision. They should keep the Establishment Division informed of the action taken by them in this behalf.

(Establishment Division letter No. 9/1/62, dated the 11th June, 1962.)

Inter-wing transfer of C.S.P. Officers.

S.l No. 13-*A* :

The question of reintroducing the system of posting C.S.P. officers belonging to one wing to the other wing for a prescribed

period has been under consideration of the Government for some time past. After careful consideration the Government has taken the following decisions which supersede all the previous instructions on the subject :—

A. *Compulsory Transfers* :

(*i*) C.S.P. officers who have completed three years of service including one year of training in the Civil Service Academy will be exchanged by the two Provinces, batch for batch.

(*ii*) Each Provincial Government will send the entire batch recruited in a particular year to the other Province and no exceptions will be made on grounds of exigencies of service or personal inconvenience. The orders will be issued by the Provincial Government concerned under intimation to the Establishment Division.

(*iii*) The period of stay in the other wing will be two years and officers will return to their home Province at the end of that period. A time-lag of six months will be allowed beyond two years for the convenience of the Provincial Governments so that they can arrange consequential postings without administrative dislocation. This should not, however, be taken to mean that the deputation period will normally extend to two and a half years. The prescribed period of two years may be extended at the option of an officer and with the approval of the Provincial Government under whom he is serving.

(*iv*) Officers exchanged under this scheme will, as far as possible be initially posted in the field, preferably as Sub-Divisional Magistrates. When they become due for the senior scale they may be transferred to appropriate posts.

(*v*) On arrival in the Province of temporary posting the officers will be informed of the posts to which they will be appointed. But before being assigned to their new posts the whole group will be placed in the Academy for Rural Development for an orientation course of three months. If the exigencies of public service so require, this period may be curtailed in consultation with the Establishment Division. During this period they will be given intensive instruction in the language, laws and customs of the Provinces. West Pakistani Officers will improve their Bengali learnt at the Civil Service Academy and East Pakistani officers will brush up their Urdu at the Comilla and Peshawar Academies respectively,. They will also be provided with books and peripdicals to familiarise them with areas in which they will be required to serve.

(*vi*) The scheme will begin in October, 1967, with the 1964 batch of C.S.P. officers. Transfer of each batch will be made in two groups with an interval of two months to minimise administrative dislocation.

B. *Transfer of senior officers* :

Interwing transfers at senior levels *i.e.* senior scale and above should be made to meet the requirements of the Provinces. The selection of officers for this purpose would be made by the Establishment Division in consultation with the Provincial Governments.

C. *Optional orientation and study tours* :

(*i*) C.S.P. Officers who have done 10 years of service or more and have not served in the other wing should be encouraged to go there on an orientation and study tour of six weeks. An officer entitled to First Class air fare may, when travelling on Government duty from one wing to the other, claim two economy class return fares once in a year in order to take his wife along with him. Out of the period of six weeks not more than two weeks should be spent at the Provincial headquarters and the remaining four weeks should be devoted to a study tour of the districts.

(*ii*) The programme for the six weeks tour should be handled by the NIPA in each Province keeping in view the special interests of each officer so that it is made purposeful and is some thing more than a mere holiday.

(*iii*) The officer should submit a report on his study tour to the Government under which he is serving.

(Establishment Division letter No. 9/1/62-C.I., dated the 12th June, 1967 to the Provincial Chief Secretaries).

Procedure for grant of leave to C.S.P. Officers :

Sl. No. 14 :

When a C.S.P. Officer serving in a Central Ministry proceeds on leave, the necessary Gazette Notification will be issued by the Ministry concerned.

(Establishment Division letter No. 25/98/51-SE.I, dated the 20th July, 1955.)

Sl. No. 15 :

REFERENCE .—*Sub-paragraph* (4) *under the heading 'promotions and leave' in the Establishment Division Resolution No. F.* 25/4/50-*Ests.* (*SEI*), *dated the* 8*th November*, 1950 (*Sl. No.* 1).

When a C.S.P. Officer desires to proceed on leave exceeding four months it should be reported to the Establishment Division well in advance.

(Estabishment Division letter No. 25/46/51-SEI, dated the 4th April, 1951, as amended *vide* letter No. 6/4/51-SEIII dated the 16th June, 1952.)

Sl. No. 16 :

REFERENCE .—*Establishment Division letter No.* 6/4/51-*SEI*, *dated the* 4*th April*, 1951 (*as amended*).

It has been observed that in some cases the applications of C.S.P. Officers for leave longer than 4 months are forwarded to the Central Government for *ex-post facto* approval after the authorities concerned grant leave and the Officer actually proceeds on leave. Attention is, therefore, once more invited to the fact that prior approval of the Central Government should invariably be obtained, and that applications for leave for more than 4 months by C.S.P. Officers should invariably be forwarded to the Central Government for approval well in advance and that the officer concerned should in no case proceed on leave before obtaining the approval of the Central Government.

2. In view of the existing acute shortage of C.S.P. Officers, the Central Government will, in the absence of very special reason, not be prepared to sanction leave in excess of four months, and officers should not be encouraged to apply for more or to make their plans on the expectation that longer leave will be sanctioned.

(Establishment Division letter No. 6/4/51-SE.II, dated the 3rd September, 1953.)

Confirmation of C.S.P. Officers :

Sl. No. 17 :

The Ministries/Divisions are requested kindly to ensure that the instructions conveyed to them with the Establishment Division Office Memorandum No. 23/12/49-Ests. (SE), dated the 19th June, 1950 (Reproduced in Chapter III) regarding confirmation of Officers in posts of and above that of Under Secretary (Section Officer) are followed strictly and no confirmations are made therein without the prior concurrence of the Establishment Division.

[Establishment Division Office Memorandum No. 2(85)/58-SE-III, dated the 20th September, 1958.]

Sl. No. 18 :

It is intimated for information of the Provincial Governments that in order to identify the basic posts to which senior C.S.P. Officers leaving higher selection posts at the Centre should revert, the Government of Pakistan have decided that confirmations should be made not only in the grade of Deputy Commissioner to which confirmations have hitherto been restricted, but also in the grade of Commissioner. Necessary action in this behalf is being taken by the Establishment Division and a further communication on the subject will follow shortly.

(Establishment Division letter No. F.2/36/60-E.IX, dated the 24th April, 1960.)

Sub-Section A (5)

Foreign Service—CSP Officers and listed post holders.

Terms of Deputation :

Sl. No. 18-*A* :

The President has been pleased to approve delegation of the following powers to the Provincial Governments :—

The Provincial Governments would henceforth, and until further orders, decide the terms and conditions of deputation to foreign service, within the limits prescribed below, of officers of the C.S.P., P.S.P. and GAR and officers of the PCS and the Provincial Police holding ' listed ' posts on the cadres of the CSP and PSP respectively and serving in connection with the affairs of the Province. The terms and conditions to be allowed shall be determined in accordance with the principles laid down in Appendix No. 11 to the F. Rs. and S. Rs. Vol. II and shall, in no case, exceed the following :—

(*i*) *Pay*—As admissible in the Junior/Senior time-scale of the Service.

(*ii*) *Special Pay*.—Such special pay as the officer was drawing immediately before his deputation to foreign service.

(*iii*) *Deputation Pay*.—Deputation pay not exceeding 20% of the basic pay, in addition to pay plus special pay provided that duties and responsibilities attached to the post to which the officer is appointed in foreign service are more onerous and of higher order than those attaching to his post in Government service.

(*iv*) In the case of those officers who are drawing pay in the Junior/Senior time scale (without any special pay) the Provincial Government may allow deputation pay upto a maximum of 20 % of basic pay subject to the condition specified in sub-para (iii) above. In such cases, they may not allow a Special pay as well as deputation pay.

(*v*) *House Concession.*—Residential accommodation on the scale laid down by the West Pakistan and East Pakistan Governments, respectively, for officers of the same status/pay, and under the same conditions, and subject to recovery from the officers of house rent at the rate of 7-1/2% of pay.

2. The above delegations are made in respect of officers below the grade of Commissioner/Joint Secretary to the Central Government.

3. These orders will come into force immediately and will remain in force for the duration of the Emergency.

(Establishment Division's letter No. 4/4/65-CI, dated the 2nd October, 1965.)

SECTION B

EMOLUMENTS OF C.S.P. OFFICERS AND OTHERS HOLDING CADRE POSTS

Sub-Section B(1)

Crossing of Efficiency Bar by C.S.P. Officers and their promotion to the senior scale.

Crossing of Efficiency Bar :

Sl. No. 19 :

The Central Government have been considering the question as to who should be the competent authority to allow Civil Service of Pakistan Officers to cross the Efficiency Bar in the prescribed senior scale of the Civil Service of Pakistan. It has now been decided that as regards officers serving under them the Provincial Government should have the power to allow those officers to cross the Efficiency Bar. Orders regarding the crossing of Efficiency Bar in respect of officers who may be serving under the Central Government when they reach the Efficiency Bar in the prescribed senior scale will, however, be issued by the Establishment Division on the recommendations of the Ministry concerned.

(Establishment Division letter No. 25/4/55-SEI, dated the March, 1955.)

Promotion to the senior scale :

Sl. No. 20 :

It has been decided that C.S.P. Officers who have not passed their departmental examinations but have been officiating in the senior scale should be required to pass completely the departmental examination within one year from the date issue of this letter and that if they do not, they will be reverted to the Junior scale. It has further been decided that no exemption in any subject should be allowed to any officer already in service.

2. It is, therefore, requested that the above decisions may please be communicated to all officers concerned.

(Establishment Division letter No. 6/1/62-CI, dated the 28th May 1962.)

Sl. No. 20-A :

In modification of the orders contained in the Establishment Division letter No. 6/1/62-C. I., dated the 28th May, 1962 (Serial No. 20) the President has been pleased to order :—

(*i*) that those CSP officers of West Pakistan domicile who have been transferred from East Pakistan to the Centre/ West Pakistan Government and are not likely to be posted back to East Pakistan should be exempted from passing their departmental examination in Bengali but that no exemption should be given to any officer in any other subject ;

(*ii*) that those officers who have not passed their departmental examinations in any other subject excepting Bengali, should be allowed two more chances to pass their departmental examinations ; and

(*iii*) that under no circumstances will a further extension be given and those officers who do not pass these examinations will be reverted to the junior scale.

(Establishment Division letter No. 6/1/62-CI, dated the 29th April, 1963).

Fixation of pay of C.S.P. officers in the new Junior Scale :

Sl. No. 20-B :

Para 4 of the Ministry of Finance O.M. No. Py. Gz-1(7) IMP/64, dated the 22nd April, 1964, as substituted by the O.M. No. Py. Gz-1(26)-IMP/64, dated the 7th August, 1964 *inter alia* lays down that the pay of officers belonging to the All Pakistan Services and Class I Central Services, which are organised on Junior and Senior Time Scales, shall be fixed in the New Junior Scale at the stage corresponding to their year of service in the prescribed Junior scale. The President is pleased to decide that, for the purpose of the provisions of the orders referred to above, the ' year of service ' of a CSP officer who was appointed before 1st December, 1962 and drawing pay in the Junior Scale, shall be determined with reference to the stage of pay in that scale. The dates of increments after fixation of pay in the New Junior Scale will not be altered.

2. It has also been decided that Officers appointed to the CSP on or after 1st December 1962 will draw Rs. 500 from the date of appointment and Rs. 550 on completion of one year's service, subject to passing the prescribed test. Thereafter, they will draw the 2nd increment subject to passing the final examination, with effect from 1st April, and subsequent increment on the 1st of April every year.

(Establishment Division's letter No. 2/23/64-CI, dated the 19th April, 1965.)

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Sub-Section B(2)

Emoluments admissible to holders of posts on the C.S.P. Cadre in the Provinces after the creation of One Unit.

Sl. No. 21 :

With effect from the 14th October, 1955, the date on which the Government of West Pakistan comes into being, the Governor-General is pleased to sanction the fixation of the emoluments of the following posts in East Pakistan and West Pakistan, as shown against each of them :—

1. Chief Secretary ..	Rs. 4,000 p.m.
2. Additional Chief Secretary (in West Pakistan only).	Rs. 3,500 p.m.
3. Members, Board of Revenue.	Rs. 3,500 p.m.
4. Secretaries to Government	Grade pay *plus* special pay of Rs. 400 p.m. An exception, however, may be made in respect of the Finance Department only, where, if the Provincial Government consider it necessary to appoint or retain an officer with 17 years or more service in the Civil Service of Pakistan as Finance Secretary, he will draw pay at Rs. 3,000 per month.
4(A). Addtional Secretaries to Government.	Grade pay in the senior scale of I.C.S. *plus* special pay of Rs. 400 p.m. subject to the condition that pay *plus* special pay is restricted to a maximum of Rs. 2,250 p.m.
5. Commissioner of Divisions	Pay Rs. 3,000. They shall be entitled to free house but no furniture except in the office and visitors' rooms, and to maintain garden, the expenditure on the maintenance of the garden not exceeding the limit prescribed by the Provincial Government.
6. Deputy Commissioners/ Collectors.	Pay in the senior scale and special pay as at present. Sumptuary allowance—Rs. 100 p.m. They shall be entitled to free house but no furniture except in the office and visitors' rooms, and to maintain garden, the expenditure on the maintenance of the garden not exceeding the limit prescribed by the Provincial Government.
6(A). Director, Land Records & Survey, East Pakistan.	Grade pay in the senior scale of I.C.S. *plus* special pay of Rs. 250 p.m.

NOTE.—The above rates of pay will be admissible to officers of the former Indian Civil Service and others who are protected in the *ex*-ICS scale.

2. Subject to the provisions of rule 13 of the Central (Gazetted) Civil Services (Revision of Pay) Rules, 1951, an officer appointed as Chief Secretary or Member , Board of Revenue, or Additional Chief Secretary will be entitled to draw full pay of the post only on completion of 22 years Class I Service. The drawal of full pay by an officer appointed Commissioner of a Division will similarly be subject to completion of 17 years Class I Service. For this purpose the service of Indian Civil Service Officers will be calculated in accordance with rule 13-c(ii) of the Revision of Pay Rules, 1951.

3. The relevant rules are being amended accordingly.

4. This issues with the concurrence of the Ministry of Finance.

[Establishment Division letter No.25/42/55-SEI, dated the 10th October, 1955 as amended *vide* letter fof same number, dated the 20th October, 1955 and letter No. 2/11/60-E.II, dated the 25th October 1960 and read with letter No. 25/140/54-(C.I.), dated the 28th February, 1962.]

Special pay of additional Secretaries to the Provincial Govt. in the I.C.S. Scale of pay and New Senior time Scale of Pay :

Sl. No. 21-A :

In partial modification of the Estt Division's letter No. 25/140/54-CI, dated the 28th February, 1962, on the above subject, the President has been pleased to decide that with effect from the 1st July, 1963, the maximum limit of Rs. 2,250 p.m. laid down for the drawal of pay plus special pay by Additional Secretaries to the Provincial Governments, who are entitled to draw pay in the superior time-scale of the former I.C.S., shall be raised to Rs. 2,600 p.m.

2. The President has also been pleased to take the following decisions in respect of Additional Secretaries to the Provincial Governments who are entitled to draw pay in the New Senior time-scale of the C.S.P., *viz.*, Rs. 850—75—1,450—100—1,650 :—

(1) The pay admissible to such officers in the New Senior Time scale of the C.S.P. plus the special pay of Rs. 440 p.m. shall be subject to a maximum of Rs. 1,850 p.m. ; and

(2) With effect from the date on which such an officer completes 14 years Class I service, the maximum limit shall be raised from Rs. 1,850 to Rs. 2,000 p.m.,

3. The decision in paragraph 2(2) above shall take effect from the 1st of May, 1965.

(Establishment Division letter No. 25/140/54-CI, dated the 12th October 1965.)

Sl. No. 22 :

Sanction of the President is conveyed to the special pays being attached to the posts borne on the C.S.P. Cadre in the Provinces as shown below. These rates will apply only to C.S.P. Officers drawing the pay in the prescribed scale of the C.S.P:—

No.	Name of post	Rate of Special Pay	REMARKS
1.	Secretary to Government	Rs. 400 p.m.	
2.	*Additional Secretary	Rs. 400 p.m.	*Also *see* Establishment Division letter No. 25/140/54-C.I., dated the 28th February, 1962. (Sl. No. 30.)
3.	Joint Secretary (East Pakistan).	Rs. 300 p.m.	
4.	Deputy Secretary ..	Rs. 250 p.m.	
5.	Under Secretary ..	*Rs. 200 p.m.	*In addition to pay in the junior scale of the C.S.P. If pay in the Senior Scale is allowed under the next below rule, no special pay should be given.
6.	Secretary to Governor/ P.S. to Governor.	**Rs. 250 p.m.	** In addition to pay in the senior scale.
7.	Director of Industries	Rs. 300 pm.	
8.	Director of Excise and Taxation/Commissioner of Excise.	Rs. 300 pm.	
9.	Director of Anti-Corruption.	Rs. 300 pm.	
10.	Director of Labour Welfare.	Rs. 300 pm.	
11.	Director of Food.	Rs. 300 pm.	
12.	Administrator, Village Aid.	Rs. 300 pm.	
13.	Registrar, Cooperative Societies.	Rs. 300 pm.	
14.	Additional Commissioner†	Rs. 250 p.m.	
15.	Registrar, High Court	Rs. 250 p.m.	
16.	(*a*) Settlement/Colonization Officer (W.P.).	Rs. 250 p.m.	*Also *see* Sl. No. 23.
17.	Joint Registrar, Cooperative Societies. West Pakistan.	Rs. 150 p.m.	
18.	Revenue Officer, Lloyd Barrage.	Rs. 250 p.m.	
19.	Secretary, Board of Revenue.	Rs. 250 p.m.	
20.	Director, Village Aid ..	‡Rs. 150 p.m.	‡In addition to pay in the senior scale.

No.	Name of post	Rate of Special Pay	REMARKS
21.	District and Sessions Judges.		Special pays have already been prescribed. No further orders are needed.
22.	Deputy Commissioners		
23.	Deputy Secretary, Board of Revenue.	*Rs. 200 p.m.	*Subject to the remarks given against item No. 5 above.
24.	Assistant Settlement Officer (E.Pak.).	†Rs. 100 p.m.	†In addition to pay in the junior scale.
25.	S.D.O., Chittagong Hill Tracts.	‡Rs. 65 p.m.	‡Special pay and Compensatory Allowance.

2. The above rates of special pays are effective from the 14th October, 1955.

3. The special pays are subject to review in the light of the report of the Pay and Services Commission.

NOTE—(*i*) The above rates of pay apply to C.S.P. Officers as well as to officiating Listed Post holders who draw pay in the prescribed scale of C.S.P.

(*ii*) C.S.P. Officers who are protected in the old I.C.S. scale of pay should continue to draw special pay under the old (existing) orders.

(Establishment Division letters Nos. 25/1/40/54-E. II, dated the 15th August, 1960, 24th September, 1960 and 20th October, 1960.)

Sl. No. 23 :

It has been decided that Additional Commissioners holding independent charge of Divisions should in future be designated as Acting Commissioners.

2. Sanctions of the President is also conveyed to the following emoluments being given to Acting Commissioners and Additional Commissioners with immediate effect in modification of the orders contained in the Establishment Division letter No. 25/25/57-E.II, dated the 25th July, 1960 :—(Annexure).

1. *Acting Commissioners* (*who hold full-fledged charge of Division*) :

(*a*) pay in the senior scale of the C.S.P. *plus* a special pay of Rs. 300 p.m. ;

(*b*) a free unfurnished house ;

(*c*) maintained garden, the expenditure on the maintenance of the garden not exceeding the limit prescribed by the Provincial Government ; and

(*d*) entertainment fund to be placed at the disposal of the Acting Commissioners from which expenditure on official entertainment only may be met subject to a maximum limit of Rs. 750·00 per quarter.

2. *Additional Commissioners* (*who do not hold charge of Divisions*) :—Pay in the senior scale of the C.S.P. *plus* a special pay of Rs. 300 p.m.

(Establishment Division letter No. 25/25/57-E-II, dated the 30th June, 1961.)

ANNEXURE

Sanction of the President is conveyed to the following emoluments being given to Additional Commissioners on a temporary basis and subject to modification in the light of recommendations of the Pay and Services Commission, from the dates on which the posts in question are filled :—

(*i*) *Those who hold full-fledged charge of Divisions* :

(*a*) Pay in the senior scale of the C.S.P. *plus* special pay of Rs. 250 p.m.

(*b*) Free un-furnished house.

(*c*) Maintained garden, the expenditure on the maintenance of the garden not exceeding the limit prescribed by the Provincial Government.

(*d*) Entertainment fund to be placed at the disposal of the Additional Commissioner from which expenditure on official entertainment only may be met subject to a maximum limit of Rs. 500 per quarter.

(*ii*) *Those who do not hold charge of a Division*.—Pay in the senior scale of the C.S.P. *plus* special pay of Rs. 250 p.m.

(Establishment Division letter No. 25/25/57-E.II, dated the 25th July, 1960.)

Sl. No. 24 :

Sanction of the President is conveyed to a special pay of Rs. 300/- p.m. being attached to the posts of Director-General, Industries, Trade and Supply, East Pakistan and Labour Commissioner, East Pakistan. These rates will apply to C.S.P. Officers and officers of the E.P.C.S. who are drawing pay in the prescribed scale of the C.S.P. with effect from the date of creation of these posts.

(Establishment Division letter No. 25/140/54-E.II, dated the 20th October, 1960.)

Sl. No. 25 :

Sanction of the President is conveyed to a special pay of Rs. 300 p.m. being attached to the Joint Secretaries to the Provincial Government (West Pakistan).

2. Officers who are protected in the old I.C.S. scale of pay are governed by the Superior Civil Service Regulations and should continue to draw the special pay as admissible to them under those regulations.

(Establihment Division letter No. 25/140/54-C.I., dated the 14th February, 1961.)

Sl. No. 26 :

The question of bringing the posts of Secretary, West Pakistan Public Service Commission, Deputy Director, Food and Deputy Registrar, Co-operative Societies on the C.S.P. Cadre in the senior scale of the C.S.P. is under consideration. Pending a decision thereon C.S.P. Officers drawing pay in the prescribed scale of the C.S.P. should be allowed special pay while holding these posts at the following rates :—

Post	*Special Pay*
(*i*) Secretary, West Pakistan Public Service Commission.	—
(*ii*) Deputy Director, Food	Rs. 150 p.m.
(*iii*) Deputy Registrar, Co-operative Societies.	Rs. 150 p.m.

(Establishment Division letter No. 25/140/54-E.II, dated the 20th July, 1961.)

Sl. No. 27 :

Sanction of the President is conveyed to the up-gradation of the post of Secretary, West Pakistan Public Service Commission to that of a senior scale post in the C.S.P. Cadre and to the attachment of a special pay of Rs. 250 p.m. to it.

(Establishment Division letter No. 25/140/54-C.I., dated the 27th April, 1962.)

Sl. No. 28 :

In view of the re-designation of the post of Director, Village Aid as Deputy Director, Basic Democracies and Village Aid, the special pay of Rs. 150 p.m. sanctioned for the Director, Village Aid *vide* Establishment Division letter No. 25/140/54-E. II, dated the 15th August, 1960 will now be admissible to the Deputy Director, Basic Democracies and Village Aid.

(Establishment Division letter No. 25/140/54-C.I., dated the 21st September, 1961.)

Sl. No. 29 :

Sanction of the President is conveyed to the special pays being attached to the following posts :—

Name of post	*Rate of special pay*
1. Director, Land Records and Survey, East Pakistan.	Rs. 250 p.m.
2. Additional Director, Land Records and Survey, East Pakistan.	Rs. 200 p.m.

2. These rates will apply to C.S.P. Officers drawing pay in the prescribed scale of the C.S.P.

(Establishment Division letter No. 25/140/54-C.I., dated the 1st November, 1961.)

Sl. No. 30:

In partial modification of the orders contained in the Establishment Division letter No. 25/140/54-E. II, dated the 15th August, 1960, it is also stated that the President is pleased to order that the grant of special pay of Rs. 400 p.m. admissible to Additional Secretaries to the Provincial Government drawing pay in the prescribed scale of the C.S.P. is subject to the condition that the pay *plus* special pay restricted to a maximum of Rs. 1,600 p.m.

(Establishment Division letter No. 25/140/54-C.I., dated the 28th February, 1962.)

Sl. No. 30-A :

[Please See Serial No. 21-A in this Sub-section.]

Sumptuary allowance to Political Agents in Tribal Areas :

Sl. No. 31 :

Sanction of the President is conveyed to the grant of the following concessions to the Political Agents in Tribal Areas :—

(*a*) Sumptuary allowance at Rs. 100 p.m. with effect from the date of this letter ;

(*b*) Rent-free house but no furniture except in the office visitors' room with effect from the 14th October, 1955;

(*c*) Maintained garden with effect from the date of this letter, the expenditure on the maintenance of the garden not to exceed the limit prescribed by the Provincial Government.

2. This issues with the concurrence of the Ministry of Finance

(Establishment Division letter No. 25/42/55-SEI, dated the 30th January, 1957.)

Pay of Selection Grade District and Session Judges.

Sl. No. 31-A :

[Please see Serial Numbers 4-A and 4-B in Sub-Section A (1).]

Sub-Section B (3)

Fixation of pay of P.C.S. Officers appointed to superior posts on the C.S.P. Cadre.

General principles regarding fixation of pay of P.C.S. Officers appointed to C.S.P. Cadre Posts :

Sl. No. 32:

The views expressed by the Provincial Governments have been carefully considered by the Government of Pakistan and the following decisions have been arrived at.

2. Except as provided for in paragraphs 3 to 5 below, the pay of Provincial Service Officers appointed to a Superior Post on the Cadre of the Civil Service of Pakistan in a Province, shall be fixed in the senior scale prescribed for the Civil Service of Pakistan under the Central (Gazetted) Civil Services (Revision of Pay) Rules, 1951, in the following manner :—

(*a*) His initial pay shall, on each occasion of his promotion to officiate on the senior scale of the Civil Service of Pakistan, be fixed at the lowest stage which exceeds by not less than Rs. 200 a month the substantive pay last drawn by him in the regular line of the Provincial Civil Service or at the stage of Rs. 900 whichever is greater provided that in no case shall such an officer be granted a higher pay in the senior scale of the Civil Service of Pakistan than that admissible in that scale to a member of the C.S.P. with the same length of service ;

(*b*) On any enhancement of his substantive pay in the Provincial Civil Service (whether as a result of a general revision of the Provincial Civil Service rates of pay or the operation of the Provincial Civil Service time-scale or on promotion to a selection grade of that Service) while officiating in a Superior Civil Service of Pakistan post, such an officer shall be entitled to have his pay in the Civil Service of Pakistan time-scale of pay recalculated in accordance with the principles laid down in sub-para. (a) above, on the basis of his enhanced pay in the Provincial Civil Service with effect from the date of such enhancement;

(*c*) Increments of pay on the senior scale of the Civil Service of Pakistan shall be granted to him only on completion of a full year's service on any stage of that scale, but for the purpose of calculating one year's service at given rate of pay, broken periods, if any, of officiating service on that rate of pay, shall be taken into account ;

(*d*) If an officer of the Provincial Civil Service drawing pay in the senior time-acale of the Civil Service of Pakistan is appointed as a District Magistrate or District and Sessions Judge, he shall, for the period of such appointment, be allowed a special pay of Rs. 150 p.m. in addition to the pay admissible to him in the Civil Service of Pakistan scale in accordance with sub-paras. (a) to (c) above.

3. An officer of a Provincial Civil Service who was a permanent member of that Service on the 18th July, 1947 and was, with effect from a date prior to the 1st January, 1949, appointed to hold substantively a Superior Post on the Cadre of the Civil Service of Pakistan which falls within the quota of posts reserved for members of the Provincial Civil Service under the Government of Pakistan Resolution No. F. 25/4/50-Ests. (SEI), dated the 8th November, 1950 (calculated separatly for the Executive and Judicial Branches)

shall be entitled to draw pay in the Superior time-scale of the old I.C.S. His pay in that scale shall be fixed as from the date of his substantive appointment to the Superior Post accordaing to the orders issued by the late Government of India, Home Department, in their Notification No. F. 754/22-Ests., dated the 21st August, 1924 (Annexure) subject to the application up to 31st March, 1951, of the orders made in the Government of Pakistan, Ministry of Finance, Resolution No. 3885-EG. II/478, dated the 12th July, 1948, as amended from time to time.

4. The pay of an officer of a Provincial Civil Service, who was a permanent member of the Service on the 18th July, 1947, but was on the 1st January, 1949 not substantively holding a Superior Post on the Cadre of the Civil Service of Pakistan which falls within the quota reserved for members of the Provincial Civil Service shall with effect from the 1st January, 1949, or such later date on which he was or may be appointed to officiate in a Superior Post on the Cadre of the Civil Service of Pakistan, be refixed and regulated in accordance with paragraph 2 (a) to (d) above, in the senior scale prescribed for the Civil Service of Pakistan under the Central (Gazetted) Civil Services (Revision of Pay) Rules, 1951, provided that :

(*a*) for the purpose of calculating one year's service at a given rate of pay on the Civil Service of Pakistan scale under para. 2 (c) above, only such broken periods of officiating service shall be taken into account as were rendered after the 1st January, 1949; and

(*b*) if the pay on the senior scale prescribed for the Civil Service of Pakistan (including the special pay of Rs. 150 admissible as District Magistrates or District and Sessions Judge) to which he is entitled from time to time during the period from the 1st January, 1949 to the 3rd May, 1951 according to these orders is less than the pay that would have been admissible to him during the period on the superior time-scale of the old I.C.S. but for the restriction of his pay under the orders issued in the Government of Pakistan, Ministry of Finance, Resolution No. 3885-EG. II/48, dated the 12th July, 1948, the difference shall be granted to him as personal pay to be absorbed in increments on the senior scale prescribed for the Civil Service of Pakistan or any other increase of the nature of pay accruing to him from time to time.

5. If a Provincial Civil Service Officer of the category referred to in para. 4 above is appointed substantively to a Superior Post on the Civil Service of Pakistan Cadre, which falls within the quota reserved for officers of the Provincial Civil Service, he may, as from the date of such appointment elect to draw pay in the Superior time-scale of the old I.C.S in which case his pay shall, as from that date, be fixed in that scale according to formula laid down in the late Government of India, Home Department, Notification No. F. 754/22-Ests., dated the 21st August, 1924,

(Annexure), provided that if the pay so fixed is less than the pay *plus* personal pay, if any, on that date in the prescribed scale of the Civil Service of Pakistan, the difference shall be carried forward as personal pay to be absorbed in future increments in the superior time-scale of the old I.C.S. or any other increase of the nature of pay accruing to him after that date.

6. The orders restricting pay on promotions made after the 18th July, 1947, which were issued in the Government of Pa kistan, Ministry of Finance, Resolution No. 3885-EG. II/48, dated the 12th July, 1948, as amended from time to time shall cease to apply to the above officers with effect from the 1st April, 1951.

(Establishment Division letter letter No. 25/35/50-SEI, dated the 23rd July, 1953).

ANNEXURE

In exercise of the powers conferred by sub-section (2) of the section 96-B of the Government of India Act, the Secretary of State, with the concurrence of a majority of votes at a meeting of the Council of India held on this 15th day of July, 1924, hereby makes the following rules under the said section.

2. Rule under section 96B(2) of the Government of India Act:—

Pay of Officers promoted from the Provincial Civil Service to hold Indian Civil Service Posts.

(*a*) The initial pay of an officer promoted from the Provincial Civil Service shall, on each occasion of his promotion be fixed on the superior time-scale of pay for the Indian Civil Service at the lowest stage which exceeds by not less than Rs. 300 a month the substantive pay last drawn by him in the regular line of the Provincial Civil Service, or at the stage of the superior scale for the 10th year of service in the Indian Civil Service (Rs. 1,275), whichever is greater :

PROVIDED that in no case shall an officer of the Provincial Civil Service be granted a higher rate of pay on the Indian Civil Service time-scale of than that admissible under the superior time-scale to a member of the Indian Civil Service with the same length of service.

(*b*) On any enhancement of his Provincial Civil Service pay (whether as the result of general revision of the Provincial Civil Service rates of pay, of the operation of the Provincial Civil Service time-scale or of promotion to the selection grades of that service) while officiating in an Indian Civil Service post such an officer shall be entitled to have his pay on the Indian Civil Service time-scale of pay recalculated in accordance with

the principles laid down in clause (a) of this rule on the basis of his enhanced pay in the Provincial Civil Service, and with effect from the date of such enhancement.

(*c*) Increments of pay on the Indian Civil Service time-scale of pay shall be granted to a Provincial Civil Service officer holding an Indian Civil Service post only on completion of full year's service on any stage of that scale, but for the purpose of calculating one year's service at a given rate of pay, broken periods of officiating service at that rate of pay shall be taken into account.

(*d*) The orders contained in paragraph (2) of the Government of India, Home Department Resolution No. 1260, dated the 24th June, 1920 and the Government of India, Home Department Resolution Nos. 1053 and F. 936-Ests, dated the 5th May, 1921 and 23rd January, 1923, respectively, are hereby cancelled. Officers whose pay has been fixed under these orders will be entitled to have their pay since the last December, 1919 recalculated under Clauses (a), (b) and (c) of this rule. But no officer whose pay was correctly fixed in accordance with the previous orders shall suffer any loss of emoluments by reasons of such recalculation; and no officer whose pay on the 1st December, 1919, was correctly fixed under paragraph 2(b) of the Home Department Resolution No. 1260, dated the 24th June, 1920, shall be entitled to have his pay on the 1st December, 1919, recalculated.

(Late Government of India, Home Department Notification No. F. 754/22 Ests., dated the 21st August, 1924).

Sl. No. 32-*A*:

The President has been pleased to order that for the purpose of comparing the length of service of a PCS officer with that of a CSP officer in terms of the Establishment Division letter No. 25/35/50-SE. I., dated the 23rd July, 1953 (Sl. No. 32) the period of service in the Armed Forces rendered by a PCS officer before his appointment to the PCS should be taken into account in addition to the total number of years of substantive service in the PCS.

(Establishment Division's letter No. 3/2/63-CI, dated the 14th March, 1963.)

Extent of the protection admissible to P.C.S. Officers in the old I.C.S. (Superior) scale of pay :

S. No. 32-*B*

A reference is invited to the Establishment Division notification No. S.R.O. 546(K)/66, dated 8th June, 1966, amending *inter alia* Rule 7 (1) of the C.S.P. (Composition and Cadre) Rules, 1954, and raising the promotion percentage of P.C.S. (Executive

Branch) officers to the C.S.P. senior scale posts from 25% to 30% with effect from 15th January, 1966, and to the Establishment Division letter No. 25/35/50-SEI, dated the 23rd July, 1953, and it is stated that the President has decided that notwithstanding the raising of promotion percentage to 30% of posts, the pay entitlement of the P.C.S. officers to the superior time scale of the old I.C.S. shall continue to be restricted to the existing quota of 25% of such posts as heretofore.

(Establishment Division letter No. 25/56/56-CI, dated the 8th June, 1966).

Fixation of pay in thet new scales of P.C.S. officers appointed to Superior posts on the Cadre of the C.S.P :

Sl. No. 32-*C*.

The President is pleased to decide that, except as provided in para. 2 below, the pay of Provincial Civil Service Officers appointed to superior posts on the cadre of the Civil Service of Pakistan in a Province shall be fixed in the senior scale laid down for the Civil Service of Pakistan in the Ministry of Finance O.M. No. Py. Gz. 1 (7) IMP/63, dated 22nd April, 1964, as amended from time to time, in the following manner :—

(i) *An Officer appointed to a superior post before* 1*st December,* 1962.

His pay shall, with effect from 1st December, 1962, be fixed in the senior scale of CSP at the stage equal to, or if there be no such stage, at the stage next above, the amount arrived at by allowing an increase of 5% subject to a minimum of Rs. 45, over the aggregate of the pay in the prescribed scale and cost of living allowance admissible thereon. The officer will retain his pre-revision date of increment, if any. If such an officer reverts from the superior post and is reappointed to it on or 1st December, 1962 his pay shall be regulated by the provision of sub-para (2) below.

(ii) *An Officer appointed to a superior post on or after* 1*st December,* 1962.

(*a*) His initial pay shall, on each occasion of his promotion to officiate in the senior scale of the Civil Service of Pakistan, be fixed at the lowest stage which exceeds by not less than Rs. 225 a month the substantive pay last drawn by him in the regular line of the Provincial Civil Service or at the stage of Rs. 1,075 whichever is greater, provided that in no case shall such an officer is granted higher pay in the senior scale of the CSP than that admissible in that scale to a member of the CSP with the same length of service.

(*b*) On any enhancement of his substantive pay in the Provincial Civil Service (whether as a result of general revision of the Provincial Civil Service rates of pay

or the operation of the Provincial Civil Service time-scale or on promotion to a selection grade of that service) while officiating in a superior Civil Service of Pakistan post, such an officer shall, with effect from the date of such enhancement, be entitled to have his pay in the senior time-scale of the Civil Service of Pakistan recalculated in accordance with the principles laid down in clause (a) above, on the basis of his enhanced pay in the Provincial Civil Service.

(*c*) Increments of pay in the senior scale of the Civil Service of Pakistan shall be granted to him only on completion of a full year's service at any stage of that scale, but for the purpose of calculating one year's service on a given rate of pay, broken periods, if any, of officiating service on that rate of pay, shall be taken into account.

(*d*) If an officer of the Provincial Civil Service drawing pay in the senior time-scale of the Civil Service of Pakistan is appointed as district Magistrate or District and Sessions Judge, he shall, for the period of such appointment, be allowed a special pay of Rs. 165 p.m. in addition to the pay admissible to him in the senior scale of the Civil Service of Pakistan in accordance with clauses (a) to (c) above.

2. The pay of an officer, who was a permanent member of a Provincial Civil Service on the 18th July, 1947 and was or is appointed to hold substantively a superior post on the cadre of the Civil Service of Pakistan reserved for members of the Provincial Civil Service by Rule 7 of the CSP (Composition and Cadre) Rules 1954, as amended from time to time and falls within 25% of such reserved posts calculated separately for the Executive and the Judicial Branches, shall be fixed in the following manner :—

(i) *An Officer appointed to a superior post before* 1-12-1962.

He will continue to draw pay in the superior Time-Scale of the old ICS according to the orders in force before the 1st December 1962.

(2) *An Officer appointed to a superior post on or after* 1-12-1962.

He may, as from the date of such appointment, elect to draw pay in the superior time-scale of the old ICS in which case his pay shall, as from that date be fixed in that scale according to the formula laid down in the late Government of India, Home Department, Notification No. F. 754/22-Est, dated the 21st August, 1924 (Annexure to Sl No. 32].

(Establishment Division letter No. 3/6/64. CI, dated the 27th January, 1967.)

Title of P.C.S. Officers to draw pay in the old ICS scale of pay on appointment as Joint Secretary to the Central Government.

Sl. No. 33:

The question whether the P.C.S. Officers appointed substantively to the superior posts in the Cadre of the C.S.P. falling within the quota reserved for them who are entitled and have elected to draw pay in the superior time-scale of the former I.C.S., are entitled to draw pay as admissible to the former I.C.S. Officers on appointment to posts above the superior time-scale of the C.S.P., *e.g.*. Joint Secretary to the Central Government, Divisional Commissioner, etc., has been further considered, in consultation with the Ministry of Finance. It has been decided, in supersession of the orders issued in the Ministry of Finance Office Memorandum No. 541-RI(RWP)/60 dated the 2nd January, 1961 (Annexure) that such P.C.S. Officers on appointment to posts above the superior time-scale of the C.S.P. should be allowed protection in the old rates of pay admissible to the former I.C.S. Officers.

2. The above decision will also apply to officers recruited *ad hoc* from the Provincial Civil Services to the C.S.P.

(Establishment Division Office Memorandum No. 3/6/60-C.I., dated the 26th October, 1962.)

ANNEXURE (*For reference only*)

A question has been raised whether the Provincial Civil Service Officers appointed substantively to the Superior Posts in the Cadre of the Civil Service of Pakistan falling within the quota reserved for them, who are entitled or elect to draw pay in the superior time-scale of the former Indian Civil Service under paragraphs 3 and 5, respectively, of the Establishment Division letter No. 25/33/50-SEI, dated the 23rd July, 1953, are entitled to draw pay as admissible to the former I.C.S. Officers on appointment to posts above the superior time-scale of the C.S.P., *e.g.*, Joint Secretary to the Central Government, Divisional Commisioner, etc. The question has been considered in consultation with the President's Secretariat (Establishment Division) and it has been decided that since the above-mentioned posts are not reserved for the P.C.S. Officers, they cannot claim protection in the old rates of pay admissible to the former I. C. S. Officers on appointment to such posts.

[Ministry of Finance Office Memorandum No. 541-R.I. (RWP)/60, dated the 2nd January, 1961.]

Sl. No. 33-*A* :

The protection allowed in the Establishment Division O.M. No. 3/6/60-C.I., dated the 26th October, 1962 (Sl. No. 33) to the PC.S. officers appointed substantively to the superior posts in the cadre of the C.S.P. falling within the quota reserved for them who are entitled and have elected to draw pay in the superior

time-scale of the former ICS and to the officers recruited *ad hoc* from the Provincial Civil Services to the C.S.P. is admissible to them from the date of appointment to posts above the superior time-scale of the C.S.P.

(Establishment Division O.M. No. 3/6/60-CI, dated the 13th November, 1962).

Maximum pay admissible to P.C.S. Officers in old ICS scale on appointment as Deputy Secretary to the Cetral Govt. :

Sl. No. 33-*B* :

Under the existing orders officers of the Provincial Civil Service who are protected in the old ICS Superior time-Scale, when appointed as Deputy Secretary to the Central Government are entitled to draw pay in the Superior Time Scale of the old I.C.S. *plus* special pay of Rs. 400 p.m. subject to a maximum of Rs. 2,250 p.m. The President has been pleased to decide that with effect from 1st March, 1966, the maximum of Rs. 2,250 p.m. shall be raised to Rs. 2,600 p.m.

(Establishment Division O.M. No. 3/9/65-CI, dated the 12th March, 1966).

Sub-Section B (4)

Fixation of pay of P.C.S. Officers recruited ad-hoc *to the Civil Service of Pakistan.*

Sl. No. 34:

The President has been pleased to decide that the pay of officers who were permanent in a Provincial Civil Service on the 18th July, 1947, and were recruited *ad hoc* to the Civil Service of Pakistan shall, as from the date of their appointment to the Civil Service of Pakistan, be fixed in the following manner :—

(*a*) The initial pay of an officer of the Provincial Civil Service (Executive), who, immediately before his *ad-hoc* appointment to the Civil Service of Pakistan, was substantively holding a superior scale posts on the Civil Service of Pakistan Cadre which falls within the quota reserved for themselves of the Provincial Civil Service under the Government of Pakistan Resolution No. F. 25/4/50-Ests. (SE), dated the 8th November, 1950, shall be the pay in the superior time-scale of the old I.C.S. which was admissible to him on the date of appointment to the Civil Service of Pakistan under paragraphs 3 or 5, as the case may be, of the Government of Pakistan letter No. 25/35/50-SEI, dated the 23rd July, 1953; and

(*b*) The initial pay of an officer of the Provincial Civil Service who, immediately before his *ad hoc* appointment to the Civil Service of Pakistan was holding a superior

scale post on the Civil Service of Pakistan Cadre which does not fall within the quota reserved for members of the Provincial Civil Service, shall, with effect from the date of his appointment to the Civil Service of Pakistan, be fixed according to the para. 5 of the Government of Pakistan letter No. 25/35/50-SEI, dated the 23rd July, 1953, as if he had been appointed substantively to a superior post on the Cadre of the Civil Service of Pakistan which falls within the quota reserved for members of the Provincial Civil Service.

2. In both the cases referred to in para. 1(a) and (b) above increments of pay on the superior time-scale of the old I.C.S. shall, after the initial fixation of pay, be regulated under the ordinary rules.

3. The orders restricting the pay on promotions made after the 18th July, 1947, contained in the Ministry of Finance Resolution No. 3885-EG(2)/48, dated the 12th July, 1948 as amended from time to time, shall cease to apply to the above officers with effect from the 1st of April, 1951.

4. This letter issues with the concurrence of the Ministry of Finance.

(Establishment Division letter No. 25/35/50-SEI, dated the 24th July, 1953.)

SECTION C

MISCELLANEOUS INSTRUCTIONS

Age of compulsory retirement of Officers of the C.S.P. :

Sl. No. 35 :

Since doubt has been expressed with regard to the age of retirement of the officers of the Civil Service of Pakistan, attention is invited to the provisions of F.R. 56(a), according to which the normal date of compulsory retirement of a Government servant other than a Ministerial servant, is the date on which he attains the age of 55 years. The rule referred to above applies to all officers except members of the former Indian Civil Service, for whom special provision exists in F.R. 56(c). As the conditions of service of the former I.C.S. Officers have been guaranteed, the special provisions in clause (c) F.R. 56 will continue to apply to them.

2. In addition to officers of the former I.C.S., the C.S.P. will be composed of military and *ex*-P.C.S. officers of the former I.P.S. officers now to be selected from the Armed Forces and the P.C.S. and officers recruited in recent competitions. For all of them, the age of compulsory retirement will continue to be 55 years, as laid down in F.R. 56(a).

(Establishment Division letter No. 25/24/50-SEI, dated the 31st March, 1951.)

Sl. No. 35-*A* :

The question of retirement age of former I.C.S. Officers has been examined in the light of the President's Order No. 23 of 1960 and F.R. 56(c) (i) and the position in this regard is that a former I.C.S. Officer retires either on the day he completes 35 years' service from the date of his arival in Indo-Pakistan sub-continent or on the day when he attains the age of 60 years, whichever is later.

(Establishment Division letter No. 8/2/65-C.I., dated the 27th February, 1965.)

NOTE.—Under the Constitution (Sixth Amendment) Act, 1966 the age of retirement of Government Servants has been refixed at 55 years w.e.f. 31st March, 1966.

Centralisation of Provident Fund and Pension work of C.S.P. Officers in the Office of the Accountant General, Pakistan Revenues :

Sl. No. 36 :

It has been decided that the Provident Fund Account and Pension work relating to officers of the Civil Service of Pakistan (including *ex*-I.C.S. Officers) should be centralised. In this connection, the Auditor General of Pakistan has issued instructions to all Accountant General. Copies of letter No. GA-I/Cord/557, dated the 18th August, 1952 from the Accountant General, Pakistan Revenues, Karachi (Annexure I) and No. 821/Pro-II/Adm-105-49, dated the 15th May, 1952 from the Auditor General (Annexure II) referred to above are enclosed for guidance. All officers of the Civil Service of Pakistan serving at the Centre may please be informed accordingly.

(Establishment Division Office Memorandum No. 25/106/50-SEI, dated the 22nd October, 1952).

ANNEXURE I

Copy of A.G.P.R. letter No. GA-I/Cord/557, dated the 18th August, 1952.

In forwarding herewith a copy of the Auditor General's letter No. 821/Pro-II/Admn-105-49, dated the 15th May, 1952, on the subject noted above, I have the honour to request you kindly to inform all the Civil Service of Pakistan Officers serving under the Central Government that they should henceforth prepare their pay bills in accordance with the instructions laid down in paragraph 2(I) thereof.

ANNEXURE II

Copy of the Comptroller and Auditor General letter No. 821- Pro. II /Admn. /105-49, dated the 15th May, 1952.

The Government of Pakistan have decided that the Provident Fund Accounts and Pension work of the officers of the Civil Service of Pakistan (other than Listed Posts holders) including prepartition I.C.S. officers should be centralised in the office of the A.G.P.R. In view of this, all the Provincial Accountants General will transfer the Provident Fund Accounts of such officers to the A.G.P.R. and hereafter pass on credits, in respect of P.F. deductions made from the pay-bills of these officers to the A.G.P.R. through exchange account.

2. Payments to C.S.P. officers may be made either at Accountant General's Headquarters or at a treasury according as the officer is working at the Accountant General's Headquarters or in a District. Under Art. 26(i) of Account Code Vol. II, net cash payments alone are entered in the treasury account, that is to say, gross debits and credits are not shown separately. This means that credits on account of P.F. subscriptions realised from paybills paid at a treasury can be passed on to AGPR by the Provincial Accountant General only, after the receipt of the vouchers in his office and after necessary classification and accounting thereof. This may not only delay adjustment of the fund credits to the Fund accounts concerned but may also, at times, lead to misclassification of the fund recoveries.

3. With a view to avoiding delays etc., the Auditor General has decided upon the following revised procedure for accounting of the Fund subscriptions realised from the paybills of the C.S.P. officers :—

(i) The C.S.P. Officers should prepare the G.P. Fund schedule in duplicate and attach the same to their pay bills. The duplicate copy of the schedule should be prominently marked as such. The classification that the subscription is creditable to the A.G.P.R. should be indicated on both the original and duplicate copies.

(ii) In the case of paybills paid at Mofussil Provincial or Central treasuries under the control of Provincial Accountant General etc., the Treasury Officer while making payment of the bill, should adjust the deduction on account of P. Fund by transfer credit to the A.G.P.R. He will detach both the copies of the P.F. Schedules from the bill and send the duplicate schedule to the A.G.P.R. after noting thereon the date of payment of the bill to which it relates. The receipt in respect of the P. Fund should be shown by the Treasury Officer in a separate Receipt Schedule to which the original copy of the schedule will be attached as a supporting document. On receipt of the account from

the treasury, the Accounts Officer should pass on the credit in respect of the P. Fund already afforded by the Treasury Officer by transfer credit (together with the original Fund Schedule) to the AGPR through exchange account. The A.G.P.R. on receipt of the duplicate schedule direct from Treasury Officer will post the credit in the Fund Account provisionally, pending receipt of the original copy of the schedule from the accounts officer concerned, in support of the credit shown in the exchange Account. He should watch the receipt of the original schedule and should, when received link it with the duplicate schedule received from the treasury direct on the basis of which credit in the P. Fund ledger has already been provisionally posted.

In the case of pay bills at a mofussil treasury under the A.G.P.R., the same procedure will apply with the difference that receipt schedule showing P. Fund recoveries from such officers supported by the original P.F. schedules will be received by A. G. P. R. direct from the treasury officer concerned.

(iii) In the case of paybills paid at Provincial Headquarters after preaudit, the accounts officer making the payment should send the duplicate copy of the schedule to the A.G.P.R. with a covering list for each month and pass on the credit on account of P. Fund deduction to him (A.G.P.R) through his Exchange account supported by the original copy of the schedule.

4. Where payment is made after preaudit by A.G.P.R. himself duplicate copy of the schedule should, after noting thereon No. of token of the pay bill concerned, be passed on by the G.A.D. section to the Fund section concerned where necessary entry in the ledger accounts should be made provisionally on the basis of the duplicate schedule which should subsequently be linked with the original schedule when received in the ordinary way from the T.A.D. Section concerned.

Action is being taken to amend suitably Art. 26(i) of the Account Code Volume II.

A copy of this letter is being sent to the A.G.P.R.

NOTE:—In order to avoid the chances of missing credits in the P.S.C.F. accounts of C.S.P. officers posted in Pakistan Missions abroad, as also to obviate the necessity of transferring the credit schedules etc. from the office of the Chief Accounts Officer, Minisry of Foreign Affairs, Islamabad (the term herein-after referred to as Chief Accounts Officer) to the A.G.P.R., the Comptroller and Auditor-General has decided that as soon as a C.S.P. officer is posted abroad and his orders are received in the Chief Accounts Officer's office, the Chief Accounts Officer should address the A.G.P.R. and request him to bring the officer's acc-ounts upto date and to transfer his balance including the interest

calculated upto the date of transfer to the Chief Accounts Officer's office, clearly indicating the credits which are missing. It should be ensured that the missing credits are also traced and transferred as early as possible. So long as the officer is posted abroad, the Chief Accounts Officer will maintain his account and when he is transferred back to Pakistan, the Chief Accounts Officer will bring the account upto date and transfer the balance to the A.G.P.R. including the interest calculated upto date of the transfer.

(Authority:—Comptroller and Auditor General's letter No. 61-Pro. II/126-65 dated the 1st February, 1966).

Retirement and Pension of C.S.P. Officers :

Sl. No. 37 :

Consequent on the centralisation of the C.S.P. Cadre, it was decided that the Provident Fund account and pension work of the C.S.P. Officers (including *ex*-I.C.S.Officers but excluding the Listed Post holders) should be centralised in the Office of the Accountant General, Pakistan Revenues and instructions accordingly issued to all the Accounts Officers *vide* the Establishment Division letter of even number, dated the 15th December, 1952. The question of the authority responsible for sanctioning pensions of C.S.P. Officers has now been considered and the following decisions have been taken by the Government of Pakistan.

2. In the case of the povincialised cadre of the *ex*-I.C.S., the officers used to serve for the whole of their career in the Provinces to which they were allotted and the Provincial Governments therefore sanctioned their pensions. With the centralisation of the C.S.P. the position has changed. C.S.P. Officers are now transferable anywhere in Pakistan and it is likely that a C.S.P. Officer, if once removed from the Province of his initial posting may never return to that Province. It was felt that this would cause some complications at the time of sanction of pension to such officers. To avoid such complications, it has accordingly been decided that the Central Government, *i.e.* the Establishment Division will sanction pension to C.S.P. Officers (including the *ex*-I.C.S. Officers but excluding the Listed Post holders). The incidence of pension will be adjustable between the Central and the Provincial Governments concerned by the accounts authorities in accordance with the existing rules.

(Establishment Division letter No. 25/106/50-SEI, dated the 22nd May, 1954).

Sl. No. 38 :

REFERENCE :—*Establishment Division letter No.* 25/106/50-*SEI*, *dated the* 22*nd May*, 1954.

At present, there is no uniformity about the issue of Notifications of retirement of Civil Service of Pakistan Officers from service. In some cases the Provincial Governments have notified the retirement of officers while in others the Central Government have taken that action. The question has been further consisdered by the Central Government and the following decisions are conveyed for information and future guidance of the Provincial Governments.

2. Six months before the date of retirement of a Civil Service of Pakistan Officer, the Provincial Government concerned should write to the Establishment Division, to permit the officer to retire from the Civil Service of Pakistan. The Establishment Division will obtain the orders of the Central Government and issue a Notification permitting the officer to retire from service. A copy of the Notification will be sent to the Provincial Government concerned.

3. The Provincial Government will then take up the question of the grant of pension to the officer and will follow the procedure outlined in paragraph 2 of the Establishment Division letter No. 25/106/50-SEI, dated the 22nd May, 1954 (Sl. No. 37 above).

4. The pension will be sanctioned by the Establishment Division and the completed pension papers will be forwarded to the Accountant General, Pakistan Revenues for issue of pension payment order.

5. This procedure will apply to all the present members of the Civil Service of Pakistan including *ex*-Indian Civil Service and *ex*-Indian Political Service Officers.

(Establishment Division letter No. 3/1/55-SEI, dated the 1st March, 1955).

Procedure for withholding of Petitions of C.S.P. Officers and others by the Provincial Governments.

Sl. No. 39 :

It has been decided that the following procedure should be adopted in future for withholding petitions submitted by C.S.P., GAR and PSP Officers :—

(a) The Provincial Government should exercise the power of withholding of petitions addressed to the President by the members of All Pakistan Services and the GAR if these relate to matters arising out of promotions or transfers within the Province, except in the cases covered by the Establishment Divison letter No. F. 2(36)/60-EIX, dated the 24th April, 1960 (Sl. No. 11) relating to appointments/promotions to the rank of Commissioner and above.

(b) All other petitions addressed by such officers to the President should be forwarded to the Central Government and the Establishment Division will act as Provincial Government within the meaning of para 7 of the *Petitions Instructions in respect of these petitions submitted by CSP, GAR and PSP Officers.

(Establishment Division letter No. 1/13/58-DII, dated the 24th May, 1963.)

*NOTE :—Petitions Instructions have been reproduced in Chapter II of this Volume.

Maintenance of Character Rolls of C.S.P. and P.C.S Officers.

Please *See* Chapter VIII of this Volume.

CHAPTER VI

CLASS IV ESTABLISHMENT

CONTENTS

Pl. See Chap. XIII, Administrative Manual.

CLASS IV ESTABLISHMENT

According S.R. 2(13) of the Fundamental and Supplementary Rules, Vol. I, Class IV service means any kind of service which may be specially classed as such by the order of the President and any other kind of service on pay not exceeding Rs. 116.

This chapter embraces only such miscellaneous matters concerning Class IV staff of the Central Government as could not form a homogeneous grouping with other chapters on specific subjects. Therefore, for any matters concerning recruitment, promotion, seniority, etc. of Class IV servants, the following chapters of the Manual should be consulted :—

	Chap.	Vol.	Page(s)
(*i*) Procedure for determining seniority of Class IV staff.	XX	II	323
(*ii*) Non-applicability of general recruitment policy to Class IV posts.	XXI	III	68—69
(*iii*) Promotion of Peons as Daftries ...	XXII	III	224
(*iv*) Minimum age for recruitment of Peons/Class IV posts.	XXII	III	225
(*v*) Physical examination of candidates for appointment to Class IV posts.	XXII	III	225—227
(*vi*) Powers of the Section Officers to appoint/punish Class IV staff.	XXVI	III	419—420
(*vii*) Employment of *ex*-servicemen in class IV services/posts.	XXIX	III	463—464

SECTION A

REVISED SCALE OF CLASS IV SERVANTS IN THE CENTRAL SECRETARIAT, ATTACHED DEPARTMENTS AND SUBORDINATE OFFICES.

Secretariat :

Sl. No. 1 :

The Government of Pakistan has decided that the scale of Class IV employees in the Central Secretariat shall be as follows :—

Minister	Jamadar	1
	Peon	1
Secretary	Jamadar	1
Joint Secretary	Peon	1
Section	Peon	1

2. The Peons attached to Sections will work for the respective Section Officers and also attend to the Deputy Secretary concerned. No separate Class IV Government servant should be attached to an officer whose staus is lower than that of a Joint Secretary.

3. Government has also approved the following arrangements for the distribution of local mail at Karachi and Rawalpindi.;

(a) At Karachi each Ministry will be provided with a unit of despatch riders. This unit will provide service after office hours also ;

(b) At Rawalpindi a Mail Van Service will be introduced to serve all the Central Government Offices, at least four times a day. Offices located at distant places may be served only twice daily. For the time being, this service will be provided by two vans each having a staff of 1 Assistant, 1 Peon and 1 Driver ;

(c) For the despatch of urgent papers during office hours, required to be delivered in between the scheduled hours of the Van Service each Ministry/Division at Rawalpindi will have one Peon and one bicycle ;

(d) In addition to the arrangements under (b) and (c) above the Cabinet Division at Rawalpindi will maintain a pool of despatch riders (consisting of 3 motor cycles and 9 despatch riders) for the delivery of papers relating to Cabinet meetings, etc., and to provide a round-the-clock service to other Ministries in case of emergencies.

4. The strength of Class IV staff in each Ministry/Division has been revised in accordance with the scale indicated in para. 1. The strength in the R & I Sections which will be allowed to each Ministry in the light of arrangements visualised in paras 2 and 3 above has also been worked out in consultation with the Ministry of Finance.

(Establishment Division O.M. No. 1/60-E. XXIII, dated the 8th June, 1960.)

Attached Departments and Subordinate Offices :

Sl. No. 2 :

Government have decided that the strength of Class IV staff in Attached Departments should be reduced in accordance with the scale prescribed for the Secretariat, *vide* Establishment Division Office Memorandum No. 1/60-E. XXIII, dated the 8th June, 1960 (Sl. No. 1). A review of that staff has accordingly been carried out and the existing and revised strength of Class IV staff in the Attached Departments is shown in the attached statement (Not reproduced).

2. Reduction in the strength of Class IV staff should please be made with effect from the 31st January, 1961. Necessary notice for the termination of services required under the rules should be issued in good time so that the reduction can be properly effected from that date. Any discrepancies in the revised strength or any representation for increase in strength which may be made should not hold up action under these instructions.

3. Procedure for reversion and retrenchment of Class IV staff and the benefits to which they will be entitled will be the same as mentioned in paras 6 to 11 of the Establishment Division O.M. No. 1/60-E. XXIII, dated the 8th June, 1960 (Sl. Nos. 1 & 3).

4. This issues with the concurrence of the Ministry of Finance

(Establishment Division O.M. No. 11/2/60-EOM (R), dated the 23rd December, 1960.)

NOTE.—The strength of Class IV staff in the Secretariat and-Attached Departments has been revised in the light of scale and arrangements indicated in Sl. Nos. 1 and 2. A similar review of Class IV staff in Subordinate Offices has not so far been undertaken. However, as a general rule, the revised scale of Class IV staff for Attached Departments and Subordinate Offices is as under :—

(*i*) Head of the Department of the status higher than that of a Joint Secretary.	Jamadar	1
(ii) Head of Department of the status equivalent t o that of a Joint Secretary.	Jamadar (Class II)	1
(iii) Head of Department of the status lower than that of a Joint Secretary.	Peon	1
(iv) Other Officers	No separate class IV servant should be attached to them individually. The Peons attached to the Branches under their control should attend to them.	

Exception is, however, made in the case of Touring Officers or where other special circumstances warrant a deviation from the general rule.

2. In determining the actual requirements of Class IV staff in Attached Departments and Subordinate Offices, the following principles are observed :—

(i) Where the lay-out of Offices is such that two or more Branches are occupying one room or a hall, one Peon is allowed between two Branches ;

(ii) Where Cash and Administration work is combined in a single Branch, two Peons are allowed, one for office work and the other for Cash work (visits to A.G. P. R., etc.);

(iii) Normally, one Daftry is allowed for four Branches but where only two or three Branches are located in a Block, one Daftry is allowed for that Block ;

(iv) No distinction is made between Record Sorters, Daftries and Packers except in special circumstances ;

(v) In Departments where there is a large number of Touring Officers, a pool of Peons is created.

SECTION B

RETRENCHMENT AND ABSORPTION OF CLASS IV STAFF RENDERED SURPLUS AS A RESULT OF THE INTRODUCTION OF THE 'REVISED SCALE' IN THE CENTRAL SECRETARIAT, ATTACHED DEPARTMENTS AND SUBORDINATE OFFICES.

Central Secretariat :

Sl. No. 3 :

....Para 1—4 (Sl. No 1)......................

6. Reversions and retrenchment of Class IV staff should be effected in the reverse order of seniority irrespective of whether the person concerned is posted at Karachi or Rawalpindi or is serving in the R & I Section or another Section, provided, however, that the existing proportion of East Pakistani Class IV staff and the West Pakistani Class IV staff is maintained. This would imply that if out of 40 Class IV Government servants now serving in a Ministry/Division, 10 are East Pakistani and 30 West Pakistani the ratio of East Pakistani to West Pakistani in the persons retained to fill the reduced number of posts should be the same *i.e.* 10 : 30 or 1 : 3. In applying this ratio, the principle of the irreducible minimum of one should be followed, *e.g.*, if the existing ratio is only 1 in 100, and the number of posts of Peons retained is only 40, then one East Pakistani must be retained and should not be declared surplus on the ground that the entitlement according to the ratio is less than one.

7. The staff retrenched as a result of these orders will be entitled to the following concessions :—

(a) *Leave.*—Every such Government servant shall be granted the leave due and admissible under the applicable rules from the date of discharge. The period of notice required under the rules for the termination of his service shall run concurrently with the leave. If the leave admissible is less than the notice period, he shall be given pay for the period of notice required but not covered by the leave.

(b) *Pension/Gratuity.*—For a whole-time Government servant in pensionable service :—

(i) Compensation pension/gratuity shall be allowed as admissible under the relevant Articles of the C.S.R. read with the Ministry of Finance Office Memorandum No. (3) F. 12 (2)-R/I/53, dated the 24th March, 1954; and the new Pension Rules and Retirement Benefits notified in the Ministry of Finance Office Memorandum No. (4) F. 12 (2)-R-1/53, dated the 24th March, 1954, as amended from time to time provided that a Government servant governed by the new Pension Rules of 1954, whose

qualifying service is less than 5 years, shall also be allowed gratuity at the rate of one month's pay for every completed year of qualifying service.

(ii) Deficiency in qualifying service upto three months is to be freely condoned in reckoning completed years of qualifying service.

(c) *Travelling Allowance.*—Travelling allowance will be allowed for self and family and transportation charges for personal effects according to the rules governing travelling allowance on transfer applicable to him, from the station of his last employment to his home town or the place within Pakistan where Government is satisfied that he had taken up permanent residence within six months of the date of his discharge.

(d) The concessions mentioned in (a) to (c) above shall also be admissible to whole-time temporary Government servants so discharged from service.

8. In matters not provided for in these orders the Government servants concerned will be governed by the provisions of the relevant rules relating to the pension, provident fund, leave and travelling allowance applicable to them before the date of discharge.

9. If a person who has received any of the concessions mentioned in these orders is subsequently re-employed in Government service or in the service of a Statutory Corporation, Local Fund or Semi-Government Organisation, he may be required to forego such of these concessions and to such extent as the President may, by general or special order, direct.

10. The Establishment Division will make every effort to secure for the retrenched employees alternative employment in industry or elsewhere. For this purpose particulars of employees to be retrenched, who are desirous of securing alternative employment, should be furnished to the Establishment Division ... ...
... ...

11. This issues with the concurrence of the Ministry of Finance.

(Establishment Division O. M. No. 1/60-E. XXIII, dated the 8th June, 1960.)

Sl. No. 4 :

REFERENCE.—*Establishment Division O.M. No.* 1/60-*E. XXIII, dated the* 8*th June,* 1960 (Sl. No. 3).

A question has arisen whether the persons who were originally appointed as Peons and later confirmed against permanent posts of Daftry/Record Sorter/Dafadar/Jamadar should be retrenched as a result of abolition of the posts held by them at present or reverted to the lower posts on which they previously held a lien.

2. The lien of a Government servant on a permanent post which he holds substantively must be suspended in the event of his appointment in a substantive capacity to a permanent post outside the cadre on which he is borne, *vide* F.R. 14(a). Such a suspended lien cannot be terminated except at the written request of the Government servant concerned *vide* clause (b) of F.R. 14-A. In view of this, a Daftry/Record Sorter/Dafadar/ Jamadar, who originally held one or more lower posts in a substantive permanent capacity, will have retained a lien on these posts unless this lien(s) was/were terminated at his written request. Such a person will, therefore, have a prior claim to being reverted to the next lower post in the event of abolition of his present permanent post.

3. In the circumstances explained above, the Ministries/ Divisions are requested to examine, in the first instance, as to which of the Daftries, Record Sorters, etc., whose posts have been abolished held suspended liens on lower posts and those who hold such liens should be reverted to the post next lower to the one held by them at present if that too, has not been abolished. If the next lower post held by them in a substantive capacity had also been abolished then they be reverted to the post next below that post on which they held a suspended lien. The ultimate result will be that the junior-most Peons will be retrenched in the reverse order of seniority.

4. The retrenchment contemplated in the Establishment Division Office Memorandum, dated the 8th June, 1960 (Sl. No. 3) referred to above should be carried out in the manner stated above. If a Ministry/Division has issued orders contrary to the above revised orders should be issued.

(Establishment Division O. M. No. 1/60-E. XXIII, dated the 2nd July, 1960.)

Sl. No. 5 :

REFERENCE : *Establishment Division O.M. No. 1/60-E. XXIII, dated the 2nd July, 1960.*

Consequent upon the revision of the strength of Class IV staff in the Ministries and Divisions, a number of Class IV employees holding permanent posts of Jamadar, Dafadar, etc., substantively, have been reverted to lower posts on which they held suspended liens. To save them from loss in pay, the President has been pleased to decide that on reversion, their pay in the lower posts should be fixed under the ordinary rules and they should, in addition to that pay be given a personal pay under F. R. 9(23)(a) equal to the difference between the substantive pay drawn by them before reversion, and the pay fixed in the lower post.

2. This issues with the concurrence of the Ministry of Finance.

(Establishment Division O. M. No. 1/9/60-S. R., dated the 27th July, 1960.)

Sl. No. 6 :

REFERENCE : *Establishment Division O.M. No.* 1/60-*E. XXIII, dated the* 2nd *July*, 1960 (Sl, No 4).

If Class IV employees holding substantively the permanent posts of Daftry, Jamadar and Dafadar, etc. do not want to revert to the next lower posts held by them substantively in accordance with the instructions contained in the Estblishment Division Office Memorandum referred to above, they have the option to take compensation pension/gratuity, etc. under the provisions of C.S.R. 426.

(Establishment Division O. M. No. 8/3/60-E. XVIII, dated the 18th October, 1960.)

Attached Departments :

Sl. No. 7 :

REFERENCE :—*Establishmet Division O.M. No.* 11(2)/60-*EOM, dated the* 23*rd December*, 1960 (*Sl. No.* 2).

The Establishment Division have considered the matter in consultation with the Ministry of Finance and it has been decided that the benefits allowed to the surplus Class IV staff of the Secretariat *vide* the Establishment Division Office Memorandum No. 1/9/60-SR, dated the 27th July, 1960 and 8/3/60-E. XVIII, dated the 18th October, 1960 should also be extended to those staff of the Attached Departments who have been rendered surplus as a result of the introduction of the revised scale of Class IV staff in the Attached Departments.

(Establishment Division O. M. No. 1/1/61-E. XXV, dated the 7th Feb, 1961.)

Absorption of surplus Class IV staff :

Sl. No. 8 :

According to para 9 of the Establishment Division O.M. No. 1/60-E. XXIII, dated the 8th June, 1960 (Sl. No. 3) the surplus Class IV staff who have received any of the concessions mentioned therein if subsequently re-employed in Government service or in the service of a Statutory Corporation, etc., may be required to forego such of the concessions and to such an extent as the President, may, by general or special order direct. The general orders on the subject have since been issued *vide* Ministry of Finance Office Memorandum No. F. 12 (21)-RI/60, dated the 4th July, 1960 (Annexure).

2. The Ministries/Divisions are requested to take step to ensure that the concession of leave, pension/gratutiy due to the surplus staff is withdrawn or modified to the extent laid down in the Ministry of Finance Office Memorandum No. F. 12(21)-RI/60, dated the 4th July, 1960 on their being subsequently absorbed.

3. It shall be incumbent on the Government servant so absorbed to declare to the appointing authority whether or not he had received any of the concessions mentioned above.

(Establishment Division O.M. No. 3/34/60-E. XXV, dated the 21st September, 1960.)

ANNEXURE

Copy of Ministry of Finance O.M. No. 12(21)-RI/60, dated the 4th July, 1960.

The Presidnet has been pleased to decide that the concessions of leave and pension/gratuity given to the surplus staff on being subsequently absorbed in a Government Department, Statutory Corporation, Local Fund and Semi-Government Organisation may be withdrawn or modified to the following extent :—

1. *Leave* :

(i) When absorbed in a Government Department unexpired portion of leave granted may be cancelled and the service may be treated as continuous ;

(ii) When absorbed in a Statutory Corporation, Local Fund and Semi-Government Organisation the unexpired portion of leave may be cancelled and treated as lapsed ;

2. *Pension/Gratuity* :

(i) When absorbed in a Government Department no pension gratuity should be allowed. The previous service rendered may be treated as continuous service for the purpose of pension/gratuity under the rules if the official is absorbed during leave. In other cases the break, if any, may be condoned in due course under the rules ;

(ii) When absorbed in Statutory Corporation, Local Fund and Semi-Government Organisation, pension/gratuity as admissible under the general orders dated the 1st October, 1959 quoted above may be allowed ; and

(iii) No pension/gratuity should be admissible in case where absorption in an alternative appointment under Government has been refused or avoided by the Government servants concerned. Entitlement for pension/gratuity will not, however, be affected when absorption in an alternative appointment in a Statutory Corporation, Local Fund or Semi-Government Organisation has been refused or avoided.

SECTION C

GENERAL INSTRUCTIONS REGARDING TREATMENT METED OUT TO CLASS IV EMPLOYEES, PROPER UTILIZATION OF THEIR SERVICES AND DISCIPLINE AMONG SUCH STAFF

Duties of class IV Staff and the treatment to be meted out to them :

Sl. No. 9 :

It has been represented that Class IV Government servants employed in the Central Government Offices are not treated properly : they are said to be (i) addressed contemptuously and (ii)

required to do private work for their superiors. There is of course no justification for these practices and Heads of Departments are requested to examine the position in offices subordinate to them.

2. Steps may be taken to prevent such practices by drawing the attention of all staff to this letter and ensuring that those who indulge in them are censured.

[Establishment Division O.M. No. 1748-D/48-Ests(ME), dated the 8th May, 1948.]

Sl. No. 9-A :

A question has been raised as to who should do the dusting of office furniture, etc., during office hours. As Ministries, etc., are aware, a special peon, called Farash is deputed in offices to dust office furniture before and after office hours. If, however, some articles require re-dusting during office hours, somebody will have to do it and, in the opinion of this Division, the appropriate person when the Farash is not on duty would obviously be the peon attached to the officer or Section concerned.

[Establishment Division Office Memorandum No. 19/3/48-Ests. (ME), dated the 18th November, 1948.]

Sl. No. 10 :

Reference is invited to the Establishment Division office memorandum No. 1748-D/48-Ests. (ME), dated the 8th May, 1948 (Sl. No. 9).

2. The matter has recently been ventilated in the legislature.

3. In spite of the 1948 instructions, complaints continue to be received that peons are employed sometimes whole-time, at officers' houses, and compelled to do private work without any remuneration. Not only is this unjustified and unfair to the man it inovlves Government work suffering from absence of peons from their legitimate duties. Except in the case of an officer who is working at his residence, it should seldom be necessary in Karachi for a peon to visit an officer's house; and the practice of normally keeping them there while the officer is in office is objectionable and must cease.

4. In no case should a peon be compelled to do private work unremunerated.

(Establishment Division Office Memorandum No. 51/18/52 ME. I, dated the 28th April, 1952.)

Sl. No. 10-*A* :

I mentioned in the Secretaries' meeting held on the 19th August, 1962 the question of the treatment of Class IV Government servants; and in this connection, several Secretaries said that they did not remember seeing my office memorandum No. 51/18/52-M.E. I, dated the 28th April, 1952, of which I, therefore, enclose a copy for facility of reference.

2. As those who were present at the meeting will remember, there was general agreement that a full enquiry would reveal many cases of scandalous abuses : orderlies working whole-time as cooks, and never appearing in office save to draw their pay ; orderlies working both in office and in addition on private work at home without any extra compensation; and so on. It was suggested that a black list of officers who offend in such ways should be circulated—and I could obtain one with little difficulty—but it was agreed that we really do not want to be forced into spying on officers, followed by disciplinary action, at least without giving all concerned a severe warning to mend their ways.

3. The matter has attracted attention in the Legislature and the press ; the Prime Minister is much concerned over these abuses; and my information is that there has been little or no improvement since, on the Prime Minister's instructions, I issued my office memorandum referred to above.

4. I am to suggest therefore that you send for your officers and tell them frankly that if any of them are offending in this way against the letter or spirit of the rules they must cease to do so as no further warning will be given.

(Establishment Secretary's d.o. No. 51/18/52 dated the 26th August, 1952 to all Secretaries and Joint Secretaries-in-Charge of Ministries/Division.)

Sl. No. 11 :

It may kindly be brought to the notice of all officers and members of the staff that Class IV employees should be used exclusively for official work and should, in no case, be employed as domestic servants.

(Establishment Secretary's d. o. No. 1/6C-E. XXIII, dated the 4th, February, 1960.)

Applicability of Civil Services (Classification, Control and Appeal) Rules to Class IV staff :

Sl. No. 12 :

From references received in the Establishment Division, it appears that some Ministries and Divisions are under the impression that the Civil Services (Classification, Control and Appeal) Rules do not apply to Class IV Government servants, with the result that, in disciplinary proceedings against these employees the provisions of rules are either not observed or observed only partially. Attention, in this connection, is invited to Rule 14 of the Classification Rules, under which public services have been classified and the Central Service Class IV is included in this Classification. These Rules apply to every person in the whole-time civil employment of Government other than, —

(*i*) a person so employed only occasionally or subject to discharge at less than one month's notice and

(*ii*) ministerial or petty officers or Class IV servants or any class or such officers or service who may be excluded wholly or in part from the operation of these rules.

2. In the matter of discipline and rights of appeal, Class -IV Government servants are given the same protection as is given by the Classification Rules to Government servants belonging to a higher class. The Rules relating to the appointment, discipline and rights of appeal of members, *inter-alia*, class IV service are contained in the Notification of the late Government of India in the Home Divn. No. F. 9-19/30-Ests. dated the 27th February 1932, issued under Rules 44 and 54 of the Classification Rules and these contain a charter for their protection extending even beyond the scope of Rules 55 of the Classification Rules. These Rules are in force, *mutatis mutandis* in Pakistan, pending the revision and re-issue of the Classification, Control and Appeal Rules.

3. It is, therefore, requsted that the above instructions may be borne in mind in dealing with disciplinary cases relating to Class IV Government servants.

[Establishment Division Office Memorandum No. F. 13/7/50-Ests (S.E.I.), dated the 22nd March, 1950.]

NOTE.—The Establishment Division Office Memorandum, dated the 22nd March 1950 (Sl. No. 12) may please be read subject to the following observations :—

With the issue of the Government Servants (Efficiency and Discipline) Rules, 1960, Part XII of the Civil Services (Classification, Contro- and Appeal) Rules, (containing Rules 54 & 55) stands repealed. Consequently the former set of rules are now applicable to every person who is a member of an All-Pakistan Service or who is serving in connection with affairs of the Central Government.

In the matter of appeals, rules contained in Part XIII of the Civil Services (Classification, Control and Appeal) Rules have since been made applicable to Class IV Government servants *vide* Establishment Division Notification No. SRO. 4 (K)/62, dated the 26th December, 1961.

Efficiency, good conduct and punctuality among Class IV staff :

Sl. No. 13 :

All members of Class IV staff employed in the various Ministries and their Attached and Subordinate Offices should be warned in clear and specific terms that if they do not perform their duties at a reasonable standard of efficiency, involving good conduct, punctuality, etc., their services will be terminated.

[Establishment Division O. M. No. 7/ES/PS/58, dated the 6th November, 1958.]

Sl. No. 14 :

Allegations have come to the notice of Government that on occasions of Eid and other national festivals, Class IV employees of certain Government Departments like the Post Office, Telegraphs, Income-Tax, Customs Departments, etc., pester people for money and other gratifications. Government view such malpractices with extreme displeasure and wish to re-emphasise the necessity of stopping forthwith such practices, wherever they exist and in whatever form or shape.

2. In this connection attention of the Ministries/Divisions is invited to Clause I of Rule 2 of the Government Servants Conduct Rules, which provides, *inter-alia,* that a Government servant shall not, except with the previous sanction of the Government —

*(*a*) accept, directly or indirectly on his behalf or on behalf of any other person,

OR

(*b*) permit any member of his family so to accept any gift, gratuity or reward.

3. It is requested that all the Ministries/Divisions may kindly bring the above instructions home to all Class IV employees under their control including those employed in the Departments, etc., under them, and take effective steps to eradicate such evil practices.

(Establishment Division O. M. No. 4/11/62-D.II, dated the 14th April, 1962.)

*Note :—Rule 5(1) of the Govt. Servants (Conduct) Rules, 1964 may be referred to in the present context.

Attendance in proper uniform :

Sl. No. 15 :

It has been brought to the notice of this Division that most of the Class IV Government employees do not attend Office in proper uniforms. It is, therefore, requested that the uniform rules should be enforced rigidly and all Government employees who have been provided with uniforms should be asked to attend Office in proper uniforms.

(Home Affairs Division O.M. No. 19/7/60-Pub-II, dated the 27th April, 1960.)

Sl. No. 15-A.

In spite of the instructions issued from time to time emphasising the necessity of Government employees entitled to liveries attending office in proper uniform, reports continue to be received of many of these employees being seen in mufti during office hours. As attendance in mufti by employees who should be in uniform defeats the very object of issuing uniforms, every such employee should be warned immediately to attend office dressed in the uniform issued to him officially. Disciplinary action may be taken in cases in which employees do not wear the official uniform, unless very satisfactory reasons are given for coming to office in mufti. The responsibility for enforcing attendance in proper uniform rests primarily with the officers in charge of administration, who should realise that mere repetition—whether oral or written—of orders is not likely to bring about a change if it is not followed by positive corrective action, where necessary.

(Establishment Division Memorandum No. 12/21/63-F. I. dated the 21st September, 1963.)

SECTION D

LIVERIES OF CLASS IV STAFF

Pleas *see* Chapter XIII, Administrative Manual.

CHAPTER VII

CONDUCT AND DISCIPLINE

CONTENTS

CONDUCT AND DISCIPLINE

SECTION A

RULES AND ADMINISTRATIVE INSTRUCTIONS RELATING TO THE CONDUCT OF GOVERNMENT SERVANTS.

Sub-Section A(1)

Government Servants (Conduct) Rules, 1964

Sl. No. 1 :

S.R.O. 405(K)/64*.—In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 and clause (1) of Article 179 of the Constitution and of all powers enabling him in that behalf, the President is pleased to make the following rules, namely :—

THE GOVERNMENT SERVANTS (CONDUCT) RULES, 1964

1. *Short title and commencement.*—(1) These rules may be called the Government Servants (Conduct) Rules, 1964.

(2) They shall come into force at once.

2. *Extent of application.*—These rules apply to every person, whether on duty or on leave, within or without Pakistan, serving in a civil capacity in connection with the affairs of the Centre and to the members of an All-Pakistan Service during their employment under the Provincial Governments or while on deputation with any other Government, agency, institution or authority :

Provided that the Central Government may, by a notification in the official Gazette, exempt any class of Government servants from the operation of all or any of these rules.

3. *Definitions.*—(1) In these rules, unless there is anything repugnant in the subject or context,—

(a) " Government " means the Central Government and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government ;

(b) " Government servant " means a person to whom these rules apply ; and

(c) " member of a Government servant's family " includes—

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*Published in Part I of the Gazette of Pakistan, dated the 5th June, 1964.

(i) his wife, child or step-child, whether residing with the Government servant or not ; and

(ii) any other relative of the Government servant or his wife, when residing with and wholly dependent upon the Government servant,

but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government servant has been deprived by law.

(2) References to a wife in clause (c) of sub-rule (1) shall be construed as references to a husband where the Government servant is a woman.

4. *Repeal of previous Conduct Rules.*—The Government Servants Conduct Rules made under section 96-B of the Government of India Act, 1919, and the Secretary of State's Services (Conduct) Rules, 1942, made under sections 247(1), 250 and 269 of the Government of India Act, 1935, in so far as they applied to the persons to whom these rules apply, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

5. *Gifts.*—(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to the Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of the Government thereon shall be final.

(3) If any gift is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Establishment Division for orders as to its disposal.

(4) Secretaries to the Central Government or officers of equivalent status may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Governments of comparable or higher level, provided that the value of the gift in each case does not exceed Rs. 50. If the gift is capable of being used in a Government office or department or at official residence, it should be used accordingly. If the gift cannot be so used, the Government servant may retain it for his own use.

6. *Acceptance of foreign awards.*—No Government servant shall, except with the approval of the President, accept a foreign award, title or decoration.

EXPLANATION.—For the purposes of this rule, the expression " approval of the President " means prior approval in ordinary cases and *ex post facto* approval in special cases where sufficient time is not available for obtaining prior approval.

7. *Public demonstrations in honour of Government servants.*—(1) No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him.

(2) Notwithstanding anything contained in sub-rule (1)—

(a) a Government servant may, with the previous permission of his next higher officer, take part in the raising of funds to be expended for any public or charitable purpose ;

(b) a Government servant may take part, with the previous sanction of the Government, in the raising of funds to be expended for any public or charitable object connected with the name of any other Government servant or a person who has recently quitted the service of the Government ;

(c) the Head of a Pakistan Mission abroad, while so posted, may attend a public meeting or entertainment held in his honour.

(3) When a Government servant takes part in the raising of funds in accordance with the provisions of clauses (a) and (b) of sub-rule (2), he shall be required to keep regular accounts and submit them to his next higher officer for scrutiny.

(4) Clauses (a) and (b) of sub-rule (2) shall not apply to officers of the Police Service of Pakistan and the Pakistan Taxation Service.

8. *Gift to medical officers.*—Subject to the departmental rules governing the question, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

9. *Subscriptions.*—Subject to rule 7, no Government servant shall, except with the previous sanction of the Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. *Lending and borrowing.*—(1) No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings :

Provided that the above rule shall not apply to dealings in the ordinary course of business with a joint stock company, bank or a firm of standing.

(2) When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he shall forthwith declare the circumstances to the Government through the usual channel.

(3) Non-gazetted Government servants shall make the declaration referred to in sub-rule (2) to the head of their office.

(4) This rule, in so far as it may be construed to relate to loans given to or taken from co-operative societies registered under the Co-operative Societies Act, 1912 (II of 1912), or under any law for the time being in force relating to the registration of Co-operative Societies, by the Government servants, shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

11. *Buying and selling of valuable property, movable and immovable.*—(1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value Rs. 5,000 (five thousand rupees) with a person residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government servant is appointed, shall declare his intention to the Head of the Department or the Secretary to the Government, as the case may be. When the Government servant concerned is himself the Head of Department or Secretary to the Government, he shall declare his intention to the Government through the Secretary of the Ministry concerned or the Establishment Secretary, as the case may be. Any such declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Government :

Provided that all transactions with a person who is an official subordinate of the Government servant, should be reported to the next higher authority.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it generally or by causing it to be sold by public auction.

12. *Declaration of immovable property.*—(1) Every Government servant shall, at the time of entering Government service,

make a declaration to the Government, through the usual channel, of all immovable properties which may be held by him or by a member of his family dependent upon him. Such declaration shall state the district within which the property is situated and shall give such further information as the Government may, by general or special order, require.

(2) All accretions made subsequent to the declaration filed under sub-rule (1) shall be brought to the notice of the Government, through the usual channel, within three months of such accretion.

13. *Disclosure of assets, immovable and liquid.*—A Government servant shall disclose all his assets, immovable as well as liquid, when required to do so by the Government.

14. *Speculation and investment.*—(1) No Government servant shall speculate in investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Government thereon shall be final.

15. *Promotion and management of companies, etc.*—No Government servant shall, except with the previous sanction of the Government, take part in the promotion, registration or management of any bank or company :

Provided that a Government servant may, subject to the provisions of any general or special order of the Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any similar law.

16. *Private trade, employment or work.*—(1) No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties :

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the conditions that his official duties do not thereby suffer and that

the occupation or undertaking does not conflict or is not inconsistent with his position or obligations as a Government servant ; but he shall not undertake or shall discontinue such work if so directed by the Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Government.

(2) Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by the Government.

(3) This rule does not apply to sports activities and membership of recreation clubs.

17. *Insolvency and habitual indebtedness.*—A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extra-vagant or dissipated habits. A Government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the office or Department or to the Secretary of the Ministry, as the case may be, in which he is employed.

18. *Unauthorised communication of official documents or information.*—No Government servant shall, except in accordance with any special or general order of the Government, communicate directly or indirectly any official document or information to a Government servant unauthorised to receive it, or to a non-official person, or to the press.

19. *Approach to members of the Assemblies, etc.*—No Government servant shall, directly or indirectly, approach any Member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

20. *Management etc. of newspapers or periodicals.*—No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

21. *Radio broadcasts and communications to the press.*—No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this

behalf, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical :

Provided that such sanction shall generally be granted if such broadcast or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or to amount to contempt of court, defamation or incitement to an offence :

Provided further that no such sanction shall be required if such broadcast or such contribution or letter is of a purely literary, artistic or scientific character.

22. *Publication of information and public speeches capable of embarrassing the Government.*—No Government servant shall, in any document published, or in any communication made to the press, over his own name, or in any public utterance, or radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Government :

Provided that technical staff (both gazetted and non-gazetted) may publish research papers on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of a classified nature.

23. *Evidence before committees.* (1) No Government servant shall give evidence before a public committee except with the previous sanction of the Government.

(2) No Government servant giving such evidence shall criticise the policy or decisions of the Central or a Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

24. *Taking part in politics and elections.*—(1) No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.

(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any

election to a legislative body, whether in Pakistan or elsewhere :

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote ; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(4) No Government servant shall permit any member of his family dependent on him to act in a manner in which he himself is not permitted by sub-rule (3) to act.

(5) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.

(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.

(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

25. *Propagation of sectarian creeds, etc.*—No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

26. *Nepotism, favouritism and victimization, etc.*—No Government servant shall indulge in provincialism, parochialism, favouritism, victimization and wilful abuse of office.

27. *Vindication by Government servants of their public acts or character.*—A Government servant may not, without the previous sanction of the Government, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction, the Government will ordinarily bear the cost of the proceedings and in other cases leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Government may reimburse him to the extent of the whole or any part of the cost.

Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

28. *Memberships of service associations.*—No Government servant shall be a member, representative or officer of any association representing or purporting to represent, Government

servants or any class of Government servants, unless such association satisfies the following conditions, namely :—

(a) Membership of the association and its office bearers shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.

(b) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a).

(c) The association shall not be in any way connected with any political party or organisation, or engage in any political activity.

(d) The association shall not—

(i) issue or maintain any periodical publication except in accordance with any general or special order of the Government ;

(ii) except with the previous sanction of the Government, publish any representation on behalf of its members, whether in the press or otherwise.

(e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Pakistan or elsewhere—

(i) pay, or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election ;

(ii) by any means support the candidature of any person for such election ; or

(iii) undertake or assist in the registration of electors, or the selection of a candidate for such election.

(f) The association shall not—

(i) maintain, or contribute towards the maintenance of, any member of a legislative body, or of any member of a local authority or body, whether in Pakistan or elsewhere ;

(ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under section 16 of the Trade Union Act, 1926 (XVI of 1926).

29. *Use of political or other influence.*—No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any

Government servant in support of any claim arising in connection with his employment as such.

30. *Approaching foreign Missions and aid-giving agencies.*—No Government servant shall approach, directly or indirectly, a foreign Mission in Pakistan or any foreign aid-giving agency to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

31. *Delegation of power.*—The Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to the Government and the officers receipt by whom of such reports shall be regarded as receipt of the reports by the Government within the meaning of these rules.

32. *Rules not to be in derogation of any law, etc.*—Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

(Establishment Division, Notification No. S.R.O. 405(K)/64, dated the 1st May, 1964).

Note.—With reference to rule 28 of the Government servants (Conduct) Rules, 1964 attention is also invited to Chapter XXVIII (Service Associations), pages 435—447, Establishment Manual, Vol. III.

Delegation of powers under the Government Servants (Conduct) Rules 1964 :

Sl. No. 1A :

Enclosed is an order (Annexure) delegating to the Secretaries to the Government of Pakistan the powers of the Central Government under rules 23 & 27 of the Government Servants (Conduct) Rules, 1964.

*[2. The Central Government has been further pleased to delegate to the Secretaries to the Government of Pakistan the powers of the Central Government under rule 21 of the said Rules in relation to Government servants under their administrative control.] *Please see revised orders reproduced @ Sl. No. 1B.

3. Ministries/Divisions are requested kindly to advise whether the above delegation would meet their requirements. If in their view, any further delegation is called for, necessary proposals duly approved by Secretaries of the Ministries/Divisions concerned may kindly be sent to this Division.

(Establishment Division O.M. No. 3/10/65-D.II, dated the 19th July, 1965.)

Annexure

In exercise of the powers conferred by rule 31 of the Government Servants (Conduct) Rules, 1964, the Central Government is pleased to delegate to the Secretaries to the Government of Pakistan the powers of the Central Government under rules 23 and 27 of the said Rules, in respect of the officers and staff working under their administrative control.

(Establishment Division Notification No. 3/10/65-D.II, dated the 19th July, 1965.)

Sl. No. 1-*B* :

In partial modification of para 2 of this Division's O. M. No. 3/10/65—D. II, dated the 19th July, 1965, the Central Government has been pleased to delegate to the Secretaries to the Government of Pakistan the powers of the Central Government under rule 21 of the Government Servants (Conduct) Rules, 1964, in relation to the Heads of Departments and the Government servants under their administrative control, and to the Heads of Departments in respect of the officers and staff working under them.

(Establishment Division O.M. No. 3/10/65-D.II, dated the 27th August, 1966.)

Membership of private Associations connected with social work :

Sl. No. 1-C :

It has been brought to the notice of the Establishment Division that permission was refused to a Government servant to become an office-holder of a private Association whose activities are confined to social work only and whose character is non-political on the ground that membership on such Associations is barred to Government servants. Attention of the Ministry of Finance, etc. is drawn to rule *15 of the Government Servants Conduct Rules and the Note thereunder and to state that there is no bar to Government servants becoming office-bearers of such Associations, provided they inform their immediate departmental superiors who will decide, with reference to the said rule and note, whether the matter should be reported for the orders of Government.

[Establishment Division O. M. No. 4/1/49-Ests (SE), dated the 8th June, 1949.]

**Note* :—Rule 16 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

Measures to check the Government servants from ventilating their grievances through Members of the Legislature :

**Sl. No.* 2 :

Cases have come to the notice of the Government of Pakistan in which members of the Secretariat establishment must have approached members of the Legislature with a view to having

their individual grievances made the subject of interpellations in the Assembly. Apart from the consideration that the questions involved are rarely, ever, of public importance, and that such conduct is subversive of discipline, the practice involves a contravention of the instructions contained in * Rule 17 of the Government Servants Conduct Rules, according to which a Government servant may not, either directly or indirectly convey to Government servants belonging to other Departments or to non-official persons or the Press any information of which he has come into possession in the course of his public duties.

2. It is felt that cases of this kind may be due to members of the Secretariat staff not having been fully aware of the provisions of Rule 17 of the Government Servants Conduct Rules.

3. It is, therefore, requested that the attention of members of the Secretariat staff should be drawn to the provisions of Rule 17 of the Government Servants Conduct Rules and that they should be warned that any infringement of *Rule 17 in future will be severely dealt with.

(Establishment Division O.M. No. 4/22/50-SEII, dated the 24th October, 1950.)

**Note*:—The instructions reproduced under Sl. Nos. 2 & 3 were issued in the context of Government Servants Conduct Rules which were in force prior to 1st May, 1964. Rule 17 of the said rules corresponds to rule 19 of the Government Servants (Conduct) Rules, 1964.

**Sl. No.* 3 :

The attention of the Establishment Division has been drawn to the fact that despite the instructions contained in the Office Memorandum No. 4/22/50-SEII, dated the 24th October, 1950, and the specific provision of Rule 17 of the Government Servants Conduct Rules, Government servants still continue to approach Members of the Parliament or adopt other improper methods for ventilating their grievances. Such a tendency on the part of Government servants cannot but undermine discipline and must be checked. All Ministries/Divisions are, therefore, requested kindly to bring the instructions and the rule referred to above to the notice of all officers and members of the staff employed under them once again, and make it clear that any infringement of these instructions will render them liable to disciplinary action.

(Establishment Division O. M. No. 8/17/57-SEIV, dated the 27th February, 1958.)

Radio Broadcasts :

Sl. No. 3-A :

Several Government servants have been invited to give and had given talks from the Radio Pakistan, both on subjects connected with their work and on other subjects. In order that a uniform procedure may be observed, with reference to such broadcasts, it is requested that the following principles should be borne in mind.

2. There is no objection to officers giving such talks, but it must be pointed out —

(a) that broadcast talks by Government servants are "public utterances" within the meaning of rule* 20 of the Government Servants' Conduct Rules ; and

(b) that talks differ from newspaper articles, in that it is the policy of the Government of Pakistan that their broadcasting service shall not be used for the purpose of political propaganda.

3. In order to ensure that the Government Servants Conduct Rules are observed and that the services are kept free of political propaganda, the Government of Pakistan have decided to impose the following safeguards :—

(a) A broadcast talk :

(i) shall contain nothing in the nature of political propaganda or discussion of political views.

(ii) shall contain nothing that is likely to offend the feelings of any community or class of persons.

(iii) shall contain nothing which is capable of embarrassing the relations between the Government and the people of Pakistan or any section thereof, or any foreign country or the ruler of any State in Pakistan.

(iv) shall contain nothing which would amount to disparagement of the policy or the decisions of Government.

(b) Any Government servant who has been asked to deliver a broadcast talk must report the subject on which he proposes to talk, whether it is connected with his official work or not, to the competent authority under whom he is employed.

(c) If the talk is on a subject not connected with his official work, the competent authority may, in his discretion, call for the text of the talk in order to scrutinize it.

4. It has been reported that the Heads of Offices, empowered to grant permission to Government servants employed under their administrative control and invited to give broadcast talks, on subjects connected with their official work, occasionally approve the scripts at the eleventh hour when it is too late for the talks to go on the air. Such delays, apart from keeping the Station Director concerned in suspense, result in considerable embarrassment to the service and in dislocation of broadcasting programmes. The authorities who are competent to grant permission to broadcast should treat the cases of scrutiny of broadcast talks and the grant of permission to broadcast to Government servants as *IMMEDIATE*.

5. The power of granting permission to broadcast should be exercised by Heads of Ministries and Divisions, the Heads of Offices attached thereto, other officers declared to be Heads of

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* Corresponds to rule 22 of the Government Servants (Conduct) Rules, 1964.

Offices under S. R. 2 (10) and specified in Appendix 14 to the Compilation of the F. and S. Rules, Volume II, and all Heads of Subordinate Offices. The cases of officers who exercise these powers should be submitted to the next higher authority, or the Government of Pakistan, as the case may be.

6. Governors, Hon'ble Ministers, Deputy Ministers, Judges of the Federal Court and of High Courts and the Auditor General are not governed by the Government Servants' Conduct Rules and are, therefore, to be treated as sanctioning authorities in respect of their own broadcast talks. In the case of Secretaries to Government, however, the permission of the Hon'ble Minister concerned would be necessary. The Chairman of the Pakistan Public Service Commission shall be the sanctioning authority in respect of broadcast talks by himself or any member of the Pakistan Public Service Commission.

7. The musical items broadcast from the Stations of the Radio Pakistan come within the term 'talk' for the purpose of these instructions, but the sanctioning authority may, at his discretion, give general permission to a particular Government servant to broadcast musical items, provided he is satisfied that there is no risk involved in giving such permission. The cases of Government servants employed under a Provincial Government will be decided by that Government in its discretion.

8. It is, therefore, requested that the instructions contained in the above paras may be brought to the notice of all Government servants.

(Information & Broadcasting Division OM No. 18 (1)/48-B, dated the 15th December, 1950.)

NOTE :—In the context of above instructions please *see* also Rule 21 of the Government Servants (Conduct) Rules, 1964.

Sl. No. 3-B :

A reference is invited to the Ministry of Communication OM No. KP-2(20)/61, dated the 20th March, 1962 (Annexure) and it is stated that the instructions contained in this Division's OM No. 18(1)/48-B, dated the 15th December, 1950 apply to all persons in the civil service of Pakistan, whether for the time being on foreign service or not, to whom the Government Servants Conduct Rules also apply.

2. It has been held by the Cabinet Secretariat (Establishment Division) in consultation with the Ministry of Law that the employees of autonomous and semi-autonomous bodies, like the Port Trust, P.I.D.C., Pakistan Council of Scientific and Industrial Research etc. except the Government servants who may be on deputation to those bodies—cannot be regarded to be in the civil service of Pakistan, and, therefore, they do not come under the purview of the Government Servants Conduct Rules.

3. In view of the above position the Heads of autonomous and semi-autonomous bodies do not come within the fold of the orders contained in this Division's OM referred to above.

[Ministry of I. & B. O.M. No. 1(18)/62, dated the 10th July, 1962.]

ANNEXURE

The undersigned is directed to refer to the Information and Broadcasting Division's Office Memorandum No. 13(1)/48-B, dated the 15th December, 1950 regarding broadcast talks by Government servants, and to state that a question has arisen whether instructions laid down therein are also applicable to the Heads of Autonomous, Semi-autonomous bodies like the Port Trust etc. and if the heads of such institutions are asked to broadcast talks, their cases should come to the Administrative Ministry concerned for grant of permission. Since mention has been made only of Government servants, it is presumed, they do not come into the picture. However, the Ministry of National Reconstruction and Information are requested to kindly clarify the above points for guidance.

[Ministry of Communication O.M. No. KP-2(20)/61, dated the 20th March, 1962.]

Protection of official information :

Sl. No. 4 :

*The Rules of Business, 1950, contain a provision to the effect that 'no information acquired directly or indirectly from official documents or relating to official matters shall be communicated by a Government servant to the Press, to non-officials or even officials belonging to other Government offices, unless he has been generally or specially empowered to do so'. It has been brought to the notice of the Cabinet Division that the implications of the above rule are not fully appreciated by Government servants with the result that information contained in official documents finds its way to non-officials or officials belonging to other Government offices and through them to outsiders. Ministry of Finance, etc., are requested kindly to bring the matter to the notice of all Government servants under their administrative control and warn them that they should not talk about or discuss official matters coming to their knowledge directly or indirectly with outsiders or even with officials belonging to other Government offices.

2. It may further be brought to the notice of the Government servants that a provision to the same effect as in the Rules of Business is made in rule 17 of the Government Servants' Conduct Rules and an infringement thereof can be the subject of departmental proceedings. It is also an offence under Section 5 of the Official Secrets Act, 1923.

[Cabinet Division O.M. No. Cord. (I)-8/97/58, dated the 28th November, 1958.]

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*NOTE :—Rule 41 of the Rules of Business, 1962 may be referred to in the present context.

Premature leakage of information to the Press :

Sl. No. 4-*A* :

Instances have come to the notice of the Government where information regarding its policies and other activities was communicated to the Press before these policies etc., had been finalised, by sources which were not competent to release or indicate that information. The premature leakage of such information places the Government in an embarrassing position.

2. Communication to the Press of any statement of fact or opinion or other information by a Government servant which is likely to embarrass the Government is prohibited under rule 22 of the Government Servants (Conduct) Rules, 1964, and any infringement of that rule is cognizable under the Government Servants (Efficiency and Discipline) Rules, 1960.

3. In the light of the above provisions, Government servants should abstain from communicating to the Press any information even verbally or through discussion relating to official matters or Government policy or which is of a classified nature till such time it has been officially released by appropriate authorities.

(Establishment Division O.M. No. 3/10/66-D.II, dated the 23rd August, 1966.)

NOTE :—For Govt. orders on "Press Statements" pl. *see* page 156, Chap. XV, Estt. Manual, Vol. II.

Evidence before Committees of the National Assembly :

Sl. No. 4-*B* :

Under rules 114 and 179 of the Rules of Procedure of the National Assembly of Pakistan, the Committees of the Assembly have the power, *inter-alia*, to summon and examine any Government servant and to require the production of any official record. As the Government servant who may be thus summoned or directed by a Committee would, in the matter of giving evidence before the Committees, be also subjected to the restraints provided for in rule 23 of the Government Servants (Conduct) Rules, 1964 a question has arisen as to whether a Government servant can, in the course of his examination by any such Committee, decline to disclose any information or to produce any document which he thinks it would not be in the interests of the defence, the security or the external relations of Pakistan or in the public interest generally to disclose or produce. The matter has been considered carefully and it has been decided that in such cases the Government servant concerned should claim privilege and politely decline to disclose such information or produce such document on grounds of public interest.

(Establishment Division O.M. No. 1/1/64-F.I/D.II, dated the 14th January, 1965.)

Jamaat-Islami :

Sl. No. 5 :

Please *see* Establishment Division classified letter No. F./4/8/48-Ests (SE), dated the 16th October, 1948.

Anjuman Azad Khiyal Musannifeen :

Sl. No 5-A :

Government of Pakistan are satisfied that the Anjuman Azad Khiyal Musannifeen in Pakistan is a substitute for the Progressive Writers' Association which was declared a political organisation through this Ministry's letter No. 60/51/49-Poll(I), dated the 19th January, 1950. Under the camouflage of a new name the Anjuman Azad Khiyal Musannifeen is carrying out the same activities as its fore runner. The Government of Pakistan are therefore satisfied that it is definitely a political organisation. Government Servants should not, in view of the provisions of *Rule 23 of the Government Servants (Conduct) Rules, become members of the Anjuman or participate in its activities. This may be brought to the notice of officers and staff.

(Home Affairs Division O.M. No. 8/1/55-Poll (I), dated the 5th August, 1957.)

Punjabi Majlis :

Sl. No. 6 :

It has been noticed that the "Punjabi Majlis", Lahore which was originally formed with the aim of serving the cause of Punjabi Language has since come under the influence of Communists and fellow travellers and have started meddling in politics. The Government of Pakistan are, therefore, satisfied that it is definitely a political organisation. Government servants should not, in view of the provisions of *Rule 23 of the Government Servants' Conduct Rules, become members of Punjabi Majlis or participate in its activities.

[Home Affairs Division letter No. 8/1/59-Poll(I), dated the 5th May, 1959.]

Participation of Government servants in the functions of the political parties.

Sl. No. 6-*A* :

The question whether Government officers should or not accept an invitation and attend a function arranged by a political party in honour of the Head of State, or a Cabinet Minister who may be members of that political party, has been considered in the Establishment Division, and it has been decided that in such

*NOTE :—Rule 23 of the Govt. Servants Conduct Rules in force prior to 1st May, 1964 correspond to Rule 24 of the Govt. Servants' (Conduct) Rules, 1964.

cases, where a Government servant accepts an invitation to a function organised by a political party and attends it, it will appear to amount to his participation in the activity of that political organisation, and will be in contravention of the provisions of Rule 23 of the Government Servants' Conduct Rules which prohibits Government servants from taking part in, or subscribing in aid of, or assisting in any way in political movement in Pakistan, or relating to Pakistan affairs.

2. These restrictions would not, however, apply to those officers, who are responsible for the maintenance of law and order, and may be required to be on duty in such functions, *e.g.* the Commissioner, the Deputy Commissioner, the D.I.G., the Senior Superintendent of Police, etc.

3. It is requested that the above decision may kindly be brought to the notice of all Government officers, and it may be emphasised that acceptance of an invitation to any function organised by a political party would amount to breach of rule 23 of the Government Servants' Conduct Rules.

(Establishment Division O.M. No. 4/11/63-D.II, dated the 5th August, 1963.)

Taking part directly or indirectly in agitation by students.

Sl. No. 6-*B*:

Attention is invited to *rule 23 of the Government Servants' Conduct Rules, according to which a Government servant shall not permit any person dependent on him or under his care or control, to take part in, or in any way assist any movement or activity which is or tends directly or indirectly to be subversive of Government as by law established in Pakistan. Under the same rule, a Government servant shall be deemed to have permitted a person to take part in, or assisted a movement or activity, if he has not taken every possible precaution, and done everything in his power to prevent such person so acting. In view of this, the conduct of Government servants who may consciously or unconsciously support the student agitators and have sympathies with them would attract the provision of rule 23 of the Government Servants' Conduct Rules.

2. It is, therefore, requested that the above rule may be brought to the notice of all Government servants and it may also be emphasised that a breach of this rule will make them liable to be proceeded against under the Government Servants (Efficiency and Discipline) Rules, 1960.

(Establishment Division O.M. No. 4/23/62-D.II, dated the 19th October, 1962.)

*NOTE :—Rule 24 of the Govt. Servants' (Conduct) Rules, 1964 may be referred to in the present context.

Procedure for dealing with cases of participation of Government servants in the activities of political or subversive organisations.

Sl. No. 7.

Instructions have issued more than once on the subject of the participation of Government servants in the activities of political organisations. But questions have been asked and doubts expressed about the exact procedure to be followed in each case. The implementation of these instructions has also not been very uniform or effective and has resulted in the continued participation of a certain number (relatively small) of public servants in the activities of political organisations. Doubts have also been expressed whether action could be rightly taken against a Government servant who participates in the activities of an organisation which is not specifically declared as political, though on the face of it, it is of a political nature. There is again some doubt about the extent of the punishment for a breach of rule 23 of the Government Servants' Conduct Rules, as well as about the circumstances justifying action under the Civil Services (National Security) Rules, 1950. With a view to clarifying the above points the whole posstion is being restated, and Ministries and Divisions are requested to follow the procedure prescribed below.

2. *Section 23 of the Government Servants, Conduct Rules prohibits Government servants from taking part in or subscribing in aid of , or assisting in any way any political movement in Pakistan, or relating to Pakistan affairs. Government servants are thus debarred from joining any political party. The expression ' political movement ' is defined to include ' any movement or activity tending directly or indirectly to excite disaffection against or to embarrass the Government by law established or to promote feelings of hatred or enmity between different classes of Pakistani subjects or to disturb the public peace'. This very comprehensive definition should leave no doubt that the prohibition is applicable to all political organisations whether they are specifically declared as such or not. In certain cases where organisations have camouflaged their real activities under the guise of religious, social, literary or cultural activity, Government have found it necessary to declare the political nature of the organisations concerned to remove possible doubts on the subject. Instances of such declared organisations are the Jamaat-i-Islami and the Progressive Writers' Association.

3. In every case where a Government servant participates in the activity of any political organisation he contravenes rule *23 of the Government Servants, Conduct. Rules and becomes liable to action. This fact should be brought to the notice of all employees by the Ministries and Divisions concerned, from time to time.

*Please *see* note below Sl. No. 6.

4. When Government servant is found to be taking part in any political movement or to be participating or associating himself with any political movement, he should be asked by the Ministry concerned to severe all counections with the political organisation and to disassociate himself from it. Should he refuse to do it, or if he is reported against for continuing his association with a political organisation, he should be proceeded against for breach of the Government Servants' Conduct Rules in accordance with the procedure prescribed in the Civil Service (Classification, Control and Appeal) Rules. He will be liable, depending on the merits of the case, to any of the penalties enumerated in rule 49 of those rules. Where active and persistent association with a political movement has been established, the Government servant should be dismissed.

5. In cases where the organisation in which a Government servant is taking part is also subversive, action against him can be taken under the Civil Service (National Security) Rules, 1950. In such cases parts 12 and 13 of Section (1) of the Civil Services (Classification, Control and Appeal) Rules do not apply. If the competent authority has reasonable grounds for believing that a Government servant is engaged in subversive activities or is associated with others in subversive activities, he will order in writing the Government servant concerned to proceed on leave and also inform him that it is propsed to retire him from service compulsorily. A reasonable opportunity will be given to him to show cause against his compulsory retirement and any representation made by him will be taken into consideration before final orders are passed. Before the Governor-General passes final orders, he has to consult a Committee consisting of three Secretaries to the Central Government and any person compulsorily retired from service will be entitled to such compensation pension, gratuity or Provident Fund benefits as would be admissible to him under the rules applicable to his service or post on the date of such retirement if he has been discharged from service on account of the abolition of his post without alternative suitable employment being provided. Administrative action under these rules will be no bar to proceedings under any other penal law to which such activity may make the Government servant liable. If there is any doubt as to whether an organisation with which a particular Government servant is associated, is subversive or not, this Ministry should be consulted.

6. The Ministries and Divisions concerned will be informed by this Ministry from time to time, when names of Government servants, who are found to be engaged in or associating themselves with any political organisation in the country come to this Ministry's notice. This does not debar the Ministries concerned from taking direct notice of delinquent Government servants on the basis of their own information. The Ministries are requested to take action against such persons in consonance with the instructions contained in this Memorandum.

7. These orders issue with the concurrence of the Establishment Division.

(Home Affairs Division Office Memorandum No. 5/5/50-Poll(I), dated the 16th March, 1951.)

S. No. 8 :

It will be seen from the Home Affairs Division Office Memorandum No. 5/5/50-Poll (1), dated the 16th March, 1951, that Government Servants taking part in the activities of an ordinary political organisation are liable to any of the penalties enumerated in Rule 49 of the Civil Services (Classification, Control and Appeal) Rules ; and these include dismissal from service. Such dismissal would automatically debar them from re-employment by Government. On the other hand, employees taking part in the activities of subversive organisations who are dealt with under the Civil Services (National Security) Rules, 1950 and retired from service may offer themselves for re-employment; and since retirement is not generally regarded as a bar to re-employment, it is likely that they may succeed in obtaining such employment. This would be most undesirable from the security point of view as it would defeat the very purpose for which the employee concerned was compulsorily retired. To safeguard against such a possibility, it has been decided in consultation with the Establishment Division that in every case where action is taken against a Government servant for participating in the activities of a subversive or political organisation, he should be debarred from future employment. In cases of doubt, this Ministry may be consulted.

2. In cases where a public servant is removed from service under Rule 49 of the Civil Services (Classification, Control and Appeal) Rules, for taking part in political activities, he should ordinarily be debarred from future employment. If it is considered, for sufficient reasons, that he should not be so debarred, the case should be referred to this Ministry for advice.

3. This issues with the concurrence of the Establishment Division.

[Home Affairs Division Office Memorandum No. 5/5/50-Poll (I), dated the 1st August, 1951.]

NOTE :—With reference to Sl. Nos. 7 and 8 it is stated that with the issue of the Government Servants' (Efficiency and Discipline) Rules, 1960, Part XII (including Rule 49) of the Civil Services (Classification, Control and Appeal) Rules and Civil Services (National Security) Rules, 1957 stand repealed. The Efficiency and Discipline Rules, 1960, can now be invoked for dealing with both kinds of offences, that is, subversion and taking part in politics.

Election to Legislative or Local Bodies :

Sl. No. 9 :

Inspite of specific provisions in the Government Servants' Conduct Rules and the Representation of the People Act, 1957, on the above subject, some Government servants may still not be

clear in their minds as to how they should conduct themselves in respect of elections to a Legislative or Local Body. Attention is therefore, invited to Rule 23 of the Government Servants' Conduct Rules which prohibits any canvassing, interference, use of influence or taking part by a Government servant in any election to a Legislative or Local Body except a simple exercise by him of his right to vote, without indicating the manner in which he proposes to vote or has voted. Sections 105, 106, 108 and 110 of the Representation of the People Act, 1957 (Act XXXI of 1957) provide that no person in the service of Pakistan shall give any assistance to further or to hinder the election of a candidate except by giving his own vote. Any Government servant contravening these provisions would be punishable with two years' imprisonment or with fine or both.

2. It is requested that, while full use be made of these provisions to ensure their correct conduct, all the employees working under the Central Government should be made fully aware of their responsibilities in this respect. It should be impressed upon them by Senior Officers personally that they have an important role to play in the growth and maintenance of democratic traditions in the country. They must, therefore, set up a high tradition of impartiality and integrity in respect of any elections in future.

(Establishment Division Office Memorandum No. 4/9/58-SEII, dated the 22nd May, 1958.)

Sl. No. 9-A :

A reference is invited to the Establishment Division O.M. No. 4/9/58—SEII, dated the 22nd May 1958 and it is stated that besides the existing provisions contained in rule 23 of the Government Servants' Conduct Rules, and in Sections 105, 106, 108, 110 of the Representation of the People Act, 1957 (Act XXXI of 1957) which has not been repealed, necessary provision has also been made in the National and Provincial Assemblies (First Elections) Order, 1962, for the conduct of elections and for matters ancillary theretc or connected therewith.

2. It is requested that attention of all Government servants may kindly be drawn to Articles 63, 64 and particularly 71 of the National and Provincial Assemblies (First Election) Order, 1962, which prohibits Government servants from giving any assistance to further or to hinder the election of a candidate, and makes them criminally liable for contravention of these articles.

(Establishment Division O.M. No. 4/6/62-DII, dated the 18th December, 1963.)

Sl. No. 10 :

*Sub-rule (2) of rule 23 of the Government Servants Conduct Rules, prohibits any canvassing, interference, use of influence or taking part by a Government servant in any election to a Legislatives Body except a simple exercise by him of his right to vote without indicating the manner in which he proposes to vote or has voted. In view of the forthcoming elections to the National and

*Please *see* note below Sl. No. 6.

the Provincial Assemblies, Government have further decided that the provision of this rule should be brought to the notice of all Government servants specifically and they should be asked to observe the rule scrupulously.

(Establishment Division Office Memorandum No. 4/5/62-D. II, dated the 17th March, 1962.)

Elections to Basic Democracies :

Sl. No. 11 :

Elections to Basic Democracies will be held in both the Wings of Pakistan during December, 1959 and January, 1960. The President desires that all Central Government servants posted anywhere in Pakistan should be instructed to render every possible help to the Provincial Government concerned in conducting the elections. This would include assistance at the actual elections.

(Home Affairs Division Office Memorandum No. 34/88/59-Public-II, dated the 1st December, 1959.)

Strike of Government clerks :

Sl. No. 12 :

The question of the policy to be adopted in respect of Clerks who are on strike has been considered and it is stated that the following procedure should be followed.

No negotiations should be entered into with the strikers. If any approach is made by them as to the conditions under which they may be permitted to return to duty, they should be informed that they must return to duty unconditionally and that, only after they have done so will Government be prepared to proceed with the consideration of their demands. Should these Clerks come to their offices, they should not be allowed to resume duty until they have signed a certificate in the following form :—

*I tender an apology for having absented myself from duty without permission and I promise not to repeat this mistake in future.

It is of course possible that certain Clerks have stayed away from duty for good and satisfactory reasons, *e.g.*, they may have been intimidated into staying away. If such persons can satisfy that their absence from duty was not wilful, they need not be asked to sign the above certificate. *Finally, those who have wilfully absented themselves from duty should not be granted any pay for the period of their absence.

[Establishment Division Office Memorandum No. 49/12/49-Ests (ME), dated the 31st March, 1950.]

*NOTE :—For further orders, pl. *see* Chap. XIV, Sl. No. 1, Vol. II.

Declaration of immovable property :

Sl. No. 13 :

Under *Rule 11 of the Government Servants' Conduct Rules which are in force in Pakistan *mutatis mutandis* every Government servant, or candidate for Government service, is required to make

*Rule 12 of the Government Servants (Conduct) Rules,, 1964 may be referred to in the present context.

to the Government a declaration of all immovable property which may from time to time be held or acquired by him or by his family or by any member of his family living with, or in any way dependant upon him. It appears that, due to the Independence the provisions of *Rule 11 have been lost sight of. The Ministry of Finance, etc. are accordingly requested to call upon all Government servants under their administrative control to make a declaration in respect of the immovable property, held by them on the 15th August, 1947, and on the 1st January, 1950 in the attached form (Annexure). After the declarations of property as on 15th August, 1947, and 1st January, 1950 have been obtained from Government servants at present in service, there will be no periodical returns of property, but it should be impressed on all Government servants that they must notify any change in, or addition to, their holdings of immovable property as soon as it occurs, *vide* paragraph 2 of the attached form (Annexure).

The declaration should also be obtained from every Government servant as soon as he enters service and thereafter he should report any changes which occur in his holdings of immovable property in the same manner as prescribed for existing Government servants.

2. The declarations should be submitted by an officer belonging to a regularly consitituted service to the Ministry under whom he is employed and the Ministry concerned should furnish a copy thereof to the Ministry administratively concerned with the Service to which the officer belongs, *e.g.* in the case of an officer of the former I.C.S. or a P.A.S.(C.S.P.), the declaration should be submitted to the Ministry under which the officer is serving and copies of the return so should be furnished to the Establishment Division, etc. In all other cases, the declarations should be maintained by the Heads of Departments concerned.

These declarations should be kept in the personal files of the officers and, where no personal files are maintained, in their Character Rolls.

*3. In this connection, attention is invited to the provisions of *Rule 10 of the Government Servants' Conduct Rules whereby every Government servant is required to obtain the previous sanction of the competent authority to acquire immovable property, except in good faith, for the purpose of residence. It will not be sufficient, therefore, merely to report the interest acquired in immovable property, in accordance with the procedure prescribed above. The intention to acquire immovable property must be reported in advance and the previous sanction of the competent authority must be obtained. Government servants should be warned that they render themselves liable to disciplinary measures if they ignore any of the provisions of Rules 10 and 11 of the Government Servants' Conduct Rules.

*This rule corresponds to Rule 11 of the Government Servants (Conduct) rules, 1964.

4. The Ministry of Finance, etc. are requested to bring these instructions to the notice of all the authorities under their control, together with any instructions which they may like to issue for the channel of submission of the declarations in question, and their final disposal in respect of Services with which they are administratively concerned.

ANNEXURE

I....................................employed in...... ....hereby declare that no immovable property is held by me, my wife or any member of my family, or any member of my family dependent on me, except as below :—

Landed Property (including buildings in possession)

Name	In whose name held	Province & Distt. in which the property is situated	Nature of property & extent of interest held	Approximate value of property	How acquired whether by purchase, gift, or by inheritance	Remarks
1	2	3	4	5	6	7

(Establishment Division Office Memorandum No. F. 4/10/48-SEII, dated the 17th August, 1950.)

Sl. No. 14 :

The declarations required by the Establishment Division *vide* their Office Memorandum No. F. 4/10/48-SEII, dated the 17th August, 1950 are intended to include immovable property wherever it may be situated and a declaration, is therefore, necessary in respect of such property left behind in India.

(Establishment Division Office Memorandum No. F. 4/10/48-Ests., SEII, dated the 20th October, 1950.)

Sl. No. 15 :

Enquiries received from Ministries and Divisions reveal a certain amount of confusion regarding the submission of declarations of assets, immovable and movable. The correct position regarding these declarations is stated below for the information of Ministries and Divisions.

2. The basic rules regarding the acquisition and disposal of property are contained in *Rules 9, 10 and 11 of the Government Servants' Conduct Rules issued or confirmed under Section 96 (b) of the Government of India Act, 1919 and Rules 8, 9. Declarations regarding property are required to be made only under rule 11 of the rules referred to above.

*Rules 11—13 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

3. Government have issued orders from time to time regarding the submission of declarations of property under the Government Servants' Conduct Rules, *vide* Establishment Division Office Memorandum No. 4/10/48-SEII, dated the 17th August, 1950 (Sl. No. 13) and Office Memorandum of even number, dated the 27th August, 1951 (not reproduced). These Office Memoranda apply to all Government servants, Gazetted as well as non-Gazetted, and pertain only to the returns for immovable property as distinct from movable. Under these Office Memoranda, all Government servants were required to submit reports regarding immovable property as they held on 15th August, 1947, 1st January, 1950 and 31st July, 1951, and the time for the action called for in those Office Memoranda is now over.

4. Government also signified their intention to call for declarations regarding movable property, whenever they considered necessary, *vide* Establishment Division Office Memorandum No. 4/15/53-SEII, dated the 7th July, 1953 (Sl. No. 39). This Office Memorandum also applies to both Gazetted and non-Gazetted Government servants. No declarations of movable property have actually been called for under this Office Memorandum, which ultimately means calling for such declarations under the Government Servants' Conduct Rules. The only object of issuing this Office Memorandum was to indicate that Government could call for returns for movable property if and when they so desired.

5. Declarations of immovable property and of certain specified types of movable property have, however, been actually called for in pursuance of the provisions of the Civil Services (Prevention of Corruption) Rules, 1953 (superseded by the Efficiency and Discipline Rules, 1960).

6. The present position regarding the submission of property declarations is now as follows :—

(1) *Under the Government Servants' Conduct Rules.*—The relevant rule is *11 in the Government Servants' Conduct Rules which applies to Gazetted Government servants. All Government servants must, therefore, as required in this rule submit a declaration of property at the time of appointment to Government service and subsequently *whenever* any change takes place in the property or when an individual property is acquired. This would also apply to the property held or acquired by the members of family as defined in that rule. No periodical returns *i.e.*, returns at fixed time in a year are required to be submitted under the Government Servants' Conduct Rules.

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*Corresponds to Rule 12 of the Government Servants (Conduct) Rules, 1964.

Government have not called for any declarations of *movable* assets or liquid assets so far under the Government Servants' Conduct Rules, although they signified their intention in Office Memorandum No. 4/15/53-SEII, dated the 7th July, 1953 that they would call for such declarations whenever required.

(2) *Under the Civil Services* (*Prevention of Corruption*) *Rules,* 1953 :

....................Omitted..................

7. Paragraphs 3—6 above apply only to *declarations*. Any transaction of property, its purchase or sale, etc. is governed by *Rules 9 and *10 of the Government Servants' Conduct Rules. It has been noticed that the provisions of these rules are very often overlooked by Government servants, which require that Government sanction should be obtained for any property transaction in the cases specified. The attention of all concerned is again drawn to these rules, and the Ministries/Divisions are requested kindly to bring them to the notice of all concerned. It should also be made clear to all that serious notice will be taken of any breach of these rules in future.

(Establishment Division Office Memorandum No. 4/15/54-SEII, dated the 14th April, 1954.)

NOTE.—All references to late Secretary of State's Services (Conduct) Rules, 1942 in this Chapter are obsolete in the present context.

*Rule 11 of the Govt. Servants' (Conduct) Rules, 1964 may be referred to in the present context.

Sl. No. 15-*A* :

It has been decided to obtain *fresh* Declarations of Assets from all Government employees (both Gazetted and Non-Gazetted) serving under various Ministries/Divisions, their Attached and Subordinate offices, in the enclosed form (Annexures I & II). Detailed instructions are given below :—

(a) *Declarations of Assets from Gazetted Officers* : All gazetted officers (Class I and Class II) should be asked to submit their Declarations to the Heads of their Departments in a sealed cover for transmission to the Secretary, Establishment Division, Karachi. On the top of each sealed cover the full name of the officer should be written along with the words—

"REVISED DECLARATION OF ASSETS furnished in pursuance of Cabinet Secretariat (Establishment Division) letter No. 8/1/62-FVI, dated the 9th October, 1962."

Instructions in regard to the filling of these Declarations are also enclosed.

(b) *Declarations of Assets from Non-gazetted staff*—Declarations of Assets from all Non-gazetted staff should be obtained by Ministries/Divisions concerned in sealed covers, addressed to the Heads of Departments by name as in the case of Gazetted officers, and should be kept in the custody of Ministries/Divisions/Departments concerned.

2. Arrangements should be made by Ministries/Divisions for receiving these Declarations in sealed covers, issuing receipts for them to the officers and members of the staff concerned and for transmitting declarations of Gazetted officers to the Secretary, Cabinet Secretariat (Establishment Division,) Karachi.

(Establishment Division O. M. No. 8/1/62-FVI, dated the 9th October, 1962.)

ANNEXURE I

General Declaration of Assets

I, ... employed in...................... hereby declare that the property and assets described in the attached statement are held by me, or on my behalf, or my wife, my children and my dependents.

Explanation :

(1) The statement should be completed in the declarant's own hand-writing signed and attached to this General Declaration of assets, of which it will form part.

(2) If the statement constitutes more than one page, each page must be signed and dated by the declarant.

(3) " Assets " or " Property " mean land, houses acquired built or under construction, stocks and shares, investments in or ownership (part or otherwise) of business enterprises and motor vehicles, insurance policies (monthly premia except those paid out of the Provident Fund should also be indicated) and include any assets or property which are under mortgage or which are otherwise encumbered.

(4) The value of assets or property should be shown to the nearest thousand rupees.

(5) In any columns in which the declarant has nothing to declare should be entered the word ' NIL '.

....
(Signature)

....
(Designation)

Date......................

....
(Ministry/Deptt./Office).

Warning.—It should be noted that if any concealment of information is detected or value of assets if found wrong, it will render the declarant liable to severe disciplinary action.

ANNEXURE II

Property and Assets held on . . . ., 1962

Description of property or assets	Date of acquisition	Acquired and held in the name(s) of	Location of immovable property	Value of assets or property at the time of acquisition	How acquired (If purchased, state source of funds)	Remarks
Immovable property.						
Stock & shares.						
Motor vehicle.			From whom acquired.	Price paid and source of funds.		

The above descriptions are, to the best of my knowledge and belief, a complete and accurate statement of assets as required under the General Declaration of Assets of which they form part and which has been signed by me on....................

Signature & Designation.

Sl. No. 15-B :

REFERENCE :—*Establishment Division OM No.* 8/1/63-*FVI*, *dated the* 9*th October*, 1962.

It has been decided that all changes in the assets, not only of accretions but also of decrements, should henceforth be reported to the Government in the enclosed proforma (Annexures I & II). It is, therefore, requested that this decision may please be brought to the notice of all concerned and arrangements made to receive the declarations as laid down in para. 2 of the Establishment Division Office Memorandum of 9th October, 1962 under reference.

(Establishment Division O. M. No. 8/1/63-FVI, dated the 18th November, 1964.)

ANNEXURE I

Declaration of changes in assets already reported.

I,........................., employed................ hereby declare the changes (both accretions and decrements), as described in the attached statement, in the property and assets held by me, or my behalf, or by my wife, my children and my dependents since my last declaration made on............along with which a statement showing my assets was made.

Date...................

....
(Signature)

....
(Designation)

....
(Ministry/Deptt./Office).

Warning.—It should be noted that if any concealment of information is detected or value of assets is found wrong, it will render the declarant liable to severe disciplinary action.

Explanations :

(1) The statement should be completed in the declarant's own hand-writing signed and attached to this Declaration, of which it will form part.

(2) If the statement constitutes more than one page, each page must be signed and dated by the declarant.

(3) " Assets " or " Property " mean land, houses acquired, built or under construction stocks and shares, investments in or ownership (part or otherwise) of business enterprises and motor vehicles, insurance policies (monthly promiea except those paid out of the Provident Fund should also be indicated) and include any assets or property which are under mortgage or which are otherwise encumbered.

(4) The value of the assets or property should be shown to the nearest thousand rupees.

(5) In any columns in which the declarant has nothing to declare should be entered the word 'NIL'.

ANNEXURE II

Statement of changes in assets

Description of property or assets	Date of acqui-sition/ disposal	Acquired and held in the name(s) of/ disposed of and trans-ferred to	Location of immovable property	Value of assets or property at the time of acquisition/ disposal	How acquired (If purchased state source of funds)/ How disposed of, sale, gift, etc.	Remarks
I. *Accretions* Immovable Property.						
Stocks and shares.						
Motor vehicles.			From whom acquired.	Price paid & sources of funds.		
II. *Decrements* Immovable property.						
Stocks and Shares.						
Motor vehicles.						

The above descriptions are, to the best of my knowledge and belief, a complete and accurate statement of changes in assets as acquired under the Government Servants' (Conduct) Rules, 1964 and forms part of the declaration of changes in assets which has been signed by me on..................

Signature and designation.

Sl. No. 15-*C* :

A question has arisen as to what should be the disposal of declarations of assets made by the non-gazetted Government servants on their promotion to gazetted posts, *i.e.* whether the declaration should be forwarded to the Establishment Division or should continue to be retained with the Heads of the Departments concerned.

2. As stated in the Establishment Division O.M. No. 8/1/62-F./VI, dated the 9th October, 1962, the declarations submitted by gazetted officers are to be transmitted to the Establishment Division. Therefore, it has been decided that the declarations filed by the non-gazetted staff, after their promotion to gazetted posts, should be sent to the Establishment Division for safe custody.

(Establishment Division O. M. No. 8/1/63-F. VI, dt. 6-2-65.).

Sl. No. 15-*D* :

According to the provisions of the Anti-Corruption Laws Amendment Act, 1965, possession of pecuniary resources or of property disproportionate to known source of income by Central Government servants and their dependents has been made a cognizable offence. For this purpose, " dependent " in relation to a Government servant means his wife, children and step-children, parents, sisters and minor brothers residing with and wholly dependent on him.

2. In view of the above-mentioned new definition of dependents, it has been decided that all Government servants should be asked to report if any of their dependents under the definition given above, who were not included in their *declarations of assets* before, have properties. If so, the same should be intimated, in full details, in the existing prescribed proforma. It is requested that this decision may please be brought to the notice of all concerned, and arrangements made for transmitting the declarations as laid down in para 2 of the Establishment Division Office Memorandum No. 8/1/62-F. VI, dated the 9th October, 1962.

(Establishment. Division. O.M. No. 8/1/63-F.VI, dt. 1-10-65.).

Sl. No. 15-*E* :

The instructions issued by Government from time to time in regard to the submission of Declarations of Assets do not seem to have been complied by some of the Government servants so far. Reference in this connection is invited to the Establishment Divisions—

(1) O.M. No. 8/1/62-F. VI, dated 9-10-1962,

(2) " No. 8/1/63-F. VI, dated 18-11-1964,

(3) " No. 8/1/63-F. VI, dated 6-2-1965 and

(4) " No. 8/1/63-F. VI, dated 1-10-1965.

It has been observed that some Government servants have not yet submitted declarations of their assets and in some cases the declarations received in the Establishment Division are not complete and up-to-date. This causes inconvenience to Government and defeats the purpose for which declarations of assets are called for.

2. Ministry of Finance etc. are, therefore, requested kindly to impress on all concerned the necessity for the submission of timely and complete information about their assets and those who have not yet fully complied with the instructions contained in the Establishment Division's communications, mentioned above, should be asked to submit declarations of their assets without further delay.

(Establishment Division O. M. No. 2-1/66-F. VI, dated the 24th October, 1956.)

Purchase or disposal of movable or immovable property :

Sl. No. 16 :

*Rules 9 and 10(2) of the Government Servants' Conduct Rules read as follows :—

"9. *Buying and selling houses and other valuable property.*—(1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant of Gazetted rank, who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value Rs. 200 with an Indian residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government servant is appointed, shall declare his intention to the Commissioner of the Division or to other officer as the Local Government may appoint. When the Government servant concerned is himself the Commissioner of the Division or the other officer appointed, he shall declare his intention to the Local Government. Any declaration shall state fully the circumstances, the price offered or demanded and in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Commissioner, the other officer appointed or the Local Government as the case may be.

(2) Notwithstanding anything contained in sub-rule (1) a Government servant of Gazetted rank who is about to quit the

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*Rule 11 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it among the community generally or by causing it to be sold by public auction.

*10. *Holding or acquiring immovable property.*

* * * * * *

(2) A Government servant who is domiciled in Asia shall not, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift without the previous sanction of the Local Government under which he is serving or of head of a Department specially empowered by the Local Government in this behalf ".

2. The Government Servants' Conduct Rules are being carefully scrutinized in the Establishment Division prior to adaptation in Pakistan and re-issue. The question of raising the monetary limit, in view of the rise in prices, will be fully considered in due course ; but meanwhile, the provisions of these rules which it appears, have been widely overlooked, are brought to the notice of all Gazetted civil Central Government servants.

3. It is pointed out that they require them, if they intend to transact, save in the case of a transaction conducted in good faith with a regular dealer, any purchase, sale or disposal, by other means, of *any movable or immovable property, exceeding in value Rs.* 200 to declare their intention to a competent authority. The competent authority is hereby declared to be the Secretary/ Joint Secretary of a Ministry/Division and in the case of an Attached or Subordinate Office, such authority as the Ministry may by executive order (which should now be issued), designate. In the case of C.S.P. Officers serving the Central Government, the Establishment Division will be the competent authority.

4. Thereafter, the applicant must act in accordance with such orders as may be passed by such competent authority. It is not sufficient merely to report the intention to enter into the transaction ; it is also necessary to state its circumstances fully, including the price offered, or demanded, and the method of the disposal of the property.

5. No action need now be taken as regards pre-Independence transactions. All officers however, who since Independence may have bought or sold houses, motor cars etc. from or to individuals in circumstances which require permission to be given and who have failed to obtain proper sanction should do so now.

6. The aim of this rule is not to stop corrupt officers indulging in corruption. They could always circumvent it. It is designed to prevent officers who would never accept a bribe falling

*Rules 11-12 of the Govt. Servants' (Conduct) Rules, 1964 may be referred to in the present context.

into the easy temptation of *e.g.* selling a house or car for rather more than its market value to an individual who may have official favours to seek, then or later. It is intended to protect weak officers from succumbing to temptation by bringing them up against the clear necessity to satisfy not only their consciences but their official superiors that the transaction is above suspicion.

(Establishment Division Office Memorandum No. 4/15/51-SEII, dated the 20th August, 1951.)

Disposal of Cars etc. of C.S.P. Officers

Sl. No. 16-*A* :

Officers who apply for permission to dispose of their cars do not often furnish full information which has to be obtained from them. This causes unnecessary delay in the disposal of cases. It is, therefore, requested that all officers concerned may be advised to invariably furnish the following particulars when applying for permission to dispose of a car or other immovable property *e.g.*, refrigerator, radiogram etc. :—

1. Purchase Price.
2. Selling Price.
3. Whether the car/article is proposea to be sold through an authorised agent or by private negotiation.
4. Name of the prospective buyer.

2. If permission is required for the disposal of a car, it should also be stated whether the car was imported or purchased from Government quota, and if so the date of import/ purchase should be mentioned.

(Establishment Division Office Memorandum No. 4/18/62-D. II dated the 30th August, 1963.)

Acquisition of immovable property by Government servants posted/ employed in Pakistan Missions abroad.

Sl. No. 16 *B* :

The question of acquisition of assets in the form of immovable property by Pakistanis residing abroad has been under consideration of the Government for sometime past. Pakistani nationals residing abroad fall into the following broad categories :

(*a*) Pakistani nationals who have more or less settled down abroad. Such persons may be employed there or may

station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it among the community generally or by causing it to be sold by public auction.

*10. *Holding or acquiring immovable property.*

* * * * * *

(2) A Government servant who is domiciled in Asia shall not, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift without the previous sanction of the Local Government under which he is serving or of head of a Department specially empowered by the Local Government in this behalf ".

2. The Government Servants' Conduct Rules are being carefully scrutinized in the Establishment Division prior to adaptation in Pakistan and re-issue. The question of raising the monetary limit, in view of the rise in prices, will be fully considered in due course ; but meanwhile, the provisions of these rules which it appears, have been widely overlooked, are brought to the notice of all Gazetted civil Central Government servants.

3. It is pointed out that they require them, if they intend to transact, save in the case of a transaction conducted in good faith with a regular dealer, any purchase, sale or disposal, by other means, of *any movable or immovable property, exceeding in value Rs.* 200 to declare their intention to a competent authority. The competent authority is hereby declared to be the Secretary/ Joint Secretary of a Ministry/Division and in the case of an Attached or Subordinate Office, such authority as the Ministry may by executive order (which should now be issued), designate. In the case of C.S.P. Officers serving the Central Government, the Establishment Division will be the competent authority.

4. Thereafter, the applicant must act in accordance with such orders as may be passed by such competent authority. It is not sufficient merely to report the intention to enter into the transaction ; it is also necessary to state its circumstances fully, including the price offered, or demanded, and the method of the disposal of the property.

5. No action need now be taken as regards pre-Independence transactions. All officers however, who since Independence may have bought or sold houses, motor cars etc. from or to individuals in circumstances which require permission to be given and who have failed to obtain proper sanction should do so now.

6. The aim of this rule is not to stop corrupt officers indulging in corruption. They could always circumvent it. It is designed to prevent officers who would never accept a bribe falling

*Rules 11-12 of the Govt. Servants' (Conduct) Rules, 1964 may be referred to in the present context.

into the easy temptation of *e.g.* selling a house or car for rather more than its market value to an individual who may have official favours to seek, then or later. It is intended to protect weak officers from succumbing to temptation by bringing them up against the clear necessity to satisfy not only their consciences but their official superiors that the transaction is above suspicion.

(Establishment Division Office Memorandum No. 4/15/51-SEII, dated the 20th August, 1951.)

Disposal of Cars etc. of C.S.P. Officers

Sl. No. 16-*A* :

Officers who apply for permission to dispose of their cars do not often furnish full information which has to be obtained from them. This causes unnecessary delay in the disposal of cases. It is, therefore, requested that all officers concerned may be advised to invariably furnish the following particulars when applying for permission to dispose of a car or other immovable property *e.g.*, refrigerator, radiogram etc. :—

1. Purchase Price.
2. Selling Price.
3. Whether the car/article is proposed to be sold through an authorised agent or by private negotiation.
4. Name of the prospective buyer.

2. If permission is required for the disposal of a car, it should also be stated whether the car was imported or purchased from Government quota, and if so the date of import/ purchase should be mentioned.

(Establishment Division Office Memorandum No. 4/18/62-D. II dated the 30th August, 1963.)

Acquisition of immovable property by Government servants posted/ employed in Pakistan Missions abroad.

Sl. No. 16 *B* :

The question of acquisition of assets in the form of immovable property by Pakistanis residing abroad has been under consideration of the Government for sometime past. Pakistani nationals residing abroad fall into the following broad categories :

(*a*) Pakistani nationals who have more or less settled down abroad. Such persons may be employed there or may

station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it among the community generally or by causing it to be sold by public auction.

*10. *Holding or acquiring immovable property.*

* * * * * *

(2) A Government servant who is domiciled in Asia shall not, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift without the previous sanction of the Local Government under which he is serving or of head of a Department specially empowered by the Local Government in this behalf ".

2. The Government Servants' Conduct Rules are being carefully scrutinized in the Establishment Division prior to adaptation in Pakistan and re-issue. The question of raising the monetary limit, in view of the rise in prices, will be fully considered in due course ; but meanwhile, the provisions of these rules which it appears, have been widely overlooked, are brought to the notice of all Gazetted civil Central Government servants.

3. It is pointed out that they require them, if they intend to transact, save in the case of a transaction conducted in good faith with a regular dealer, any purchase, sale or disposal, by other means, of *any movable or immovable property, exceeding in value Rs.* 200 to declare their intention to a competent authority. The competent authority is hereby declared to be the Secretary/Joint Secretary of a Ministry/Division and in the case of an Attached or Subordinate Office, such authority as the Ministry may by executive order (which should now be issued), designate. In the case of C.S.P. Officers serving the Central Government, the Establishment Division will be the competent authority.

4. Thereafter, the applicant must act in accordance with such orders as may be passed by such competent authority. It is not sufficient merely to report the intention to enter into the transaction ; it is also necessary to state its circumstances fully, including the price offered, or demanded, and the method of the disposal of the property.

5. No action need now be taken as regards pre-Independence transactions. All officers however, who since Independence may have bought or sold houses, motor cars etc. from or to individuals in circumstances which require permission to be given and who have failed to obtain proper sanction should do so now.

6. The aim of this rule is not to stop corrupt officers indulging in corruption. They could always circumvent it. It is designed to prevent officers who would never accept a bribe falling

*Rules 11-12 of the Govt. Servants' (Conduct) Rules, 1964 may be referred to in the present context.

into the easy temptation of *e.g.* selling a house or car for rather more than its market value to an individual who may have official favours to seek, then or later. It is intended to protect weak officers from succumbing to temptation by bringing them up against the clear necessity to satisfy not only their consciences but their official superiors that the transaction is above suspicion.

(Establishment Division Office Memorandum No. 4/15/51-SEII, dated the 20th August, 1951.)

Disposal of Cars etc. of C.S.P. Officers

Sl. No. 16-*A* :

Officers who apply for permission to dispose of their cars do not often furnish full information which has to be obtained from them. This causes unnecessary delay in the disposal of cases. It is, therefore, requested that all officers concerned may be advised to invariably furnish the following particulars when applying for permission to dispose of a car or other immovable property *e.g.*, refrigerator, radiogram etc. :—

1. Purchase Price.
2. Selling Price.
3. Whether the car/article is proposed to be sold through an authorised agent or by private negotiation.
4. Name of the prospective buyer.

2. If permission is required for the disposal of a car, it should also be stated whether the car was imported or purchased from Government quota, and if so the date of import/ purchase should be mentioned.

(Establishment Division Office Memorandum No. 4/18/62-D. II dated the 30th August, 1963.)

Acquisition of immovable property by Government servants posted/ employed in Pakistan Missions abroad.

Sl. No. 16 *B* :

The question of acquisition of assets in the form of immovable property by Pakistanis residing abroad has been under consideration of the Government for sometime past. Pakistani nationals residing abroad fall into the following broad categories :

(*a*) Pakistani nationals who have more or less settled down abroad. Such persons may be employed there or may

be carrying on some independent business or profession ;

(*b*) Government servants who are Pakistani nationals employed in our Embassies/Missions abroad ;

(*c*) Pakistani nationals employed in branches or subsidiaries abroad of Pakistani companies/firms.

2. There is no objection to Pakistani nationals who have settled down abroad acquiring immovable property or foreign shares and securities by resorting to bank borrowings or from their own resources provided no exchange liability is created for remittance from Pakistan at any stage. If and when such persons return to Pakistan they will have to transfer the income and the sales-proceeds of such properties to Pakistan as required in terms of the provisions of the Foreign Exchange Regulation Act, 1947. There would also be no objection if the branches of Pakistani banks operating abroad give loans and advances to Pakistani settlers abroad for the purpose of acquiring properties abroad provided these advances and interest thereon are recovered entirely in foreign exchange and no exchange liability is created for remittance from Pakistan as stated above.

3. As regards Government servants who are Pakistani nationals employed in our Embassies/Missions abroad or other Government servants posted on duty or training abroad, they should be discouraged from acquiring properties or foreign shares and securities abroad. The remuneration which such persons receive is intended to cover their living and other incidental expenses. If an official can manage to save funds out of his remuneration such savings should be remitted to Pakistan rather than used for acquiring properties and foreign shares and securities abroad.

4. Some Pakistani banks, companies and firms have been permitted to establish branch offices or subsidiaries abroad. In some cases Pakistani Nationals have been employed in such branch offices or subsidiaries abroad. They should also like Government servants transfer their savings, if any, to Pakistan instead of acquiring assets abroad.

5. The above is being circulated to Pakistan Embassies/High Commissions/Consulates, etc., to enable them to extend correct guidance to Pakistan nationals who may approach them in this behalf.

6. These instructions are also being sent to the various Ministries and Departments of the Government and Semi-Government Institutions to bring the same to the notice of their officers who are or may be posted abroad.

(Ministry of Finance O. M. No. 1(14)-EF/EXP/62, dated the 19th August, 1963.)

Acceptance of gifts gratuities or rewards by Government servants :

Sl. No. 17 :

The rules regarding acceptance of gifts by Government servants from foreign dignitaries were issued in the Establishment Division Notification No. 4/12/49-SEII, dated the 11th July, 1951. Relevant extract from that letter is enclosed for ready reference. These rules were based on a decision to that effect taken by Government on June 13, 1951.

2. On 14th April, 1955, Government reconsidered the matter and decided to abrogate these rules. It was decided that all presents received by officers from visiting Heads of State or Heads of Government should be allowed to be retained by them. The recipients were, however, to report the receipt of presents to their own Ministries. It was later also decided that these orders may be given retrospective effect.

3. Before formal orders were issued, the question was reexamined and Government's latest decisions is enclosed herewith for information and necessary action.

4. The effect of the latest orders is that recipients may retain presents received by them from foreign dignitaries between 14th of April, 1955, and 11th of August, 1955 only. All such gifts, presents etc. received between June, 13, 1951 till 14th April, 1955, and those received since 11th August, 1955, upto date should be reported to the Establishment Division for action in accordance with the Government's decision referred to in para. 1.

5. It is understood that some officers who had previously deposited the presents received by them from foreign dignitaries withdrew these from the Toshakhana on learning that Government's decision of 14th April, 1955 (referred to in para. 2 above), had been given retrospective effect. But as according to the latest orders the decision of 14th April, 1955 would take effect only from the date on which it was taken, these officers may kindly be requested to re-deposit those presents immediately in the Toshakhana, under intimation to the Establishment Division.

* * * * * *

Extract from Establishment Division Notification No. 4/12/49-*SEII, dated the* 11*th of July*, 1951.

(4) If any gift is offered by the head or representative of a Foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If however, he cannot do so, he shall accept the gift and shall report its receipt to the Secretary-General through the Establishment Division for orders as to its disposal.

Extract from the Cabinet decision, dated the 30th November, 1955.

* * * * *

Cabinet decided that

(1) the Cabinet decision of 14th April, 1955, should not take retrospective effect but should take effect from the date on which it was taken ;

(2) this decision should be abrogated with effect from the 11th of August, 1955 ;

(3) orders of the Cabinet which governed the rules regarding the acceptance of gifts, etc. by the Hon'ble Ministers and Government servants prior to the Cabinet decision of 14th April, 1955, should stand.

* * * * * *

(Cabinet Division Memorandum No. 317/C. F./49, dated the 7th December, 1955.)

Bar against demand for dowry and acceptance of gifts on occasions of marriages.

Sl. No. 17A :

Attention is invited to rule 5(1) of the Government Servants (Conduct) Rules, 1964, according to which no government servant shall, except with the previous sanction of the Government, accept or permit any member of his family to accept from any person any gift the receipt of which may place him under any form of official obligation to the donor. It has been found that this rule is not being observed by government servants and a number of cases have recently come to notice in which Government servants have accepted, particularly on occasions of marriage, expensive gifts from persons with whom they have or are likely to have official dealings. It has also been observed that Government officials demand expensive dowries at the time of marriage and even display such dowries and gifts before large gatherings. The Committee on the Eradication of Social Evils has deplored the practice of demanding and displaying dowries and gifts on occasions of marriage as it encourages lavish expenditure and ostentatious living.

2. In view of the increasing tendency to demand and dispaly dowries and to accept expensive gifts, Government have decided that Rule 5(1) of the Government Servants' (Conduct) Rules should be enforced more rigorously and Government servants should be directed to avoid lavish expenditure on marriages and other ceremonies and to desist from demanding or displaying doweries or accepting gifts from persons other than those who are closely related to them.

(Establishment Division O.M. No. 3/8/67-D II, dated the 27th June, 1967.)

Bar against acceptance of gratification by Class IV Servants on occasions of Eid etc. from public.

Sl. No. 18 :

Allegations have come to the notice of Government that on occasions of Eid and other national festivals, Class IV employees of certain Government Departments like the Post Offices, Telegraphs, Income Tax, Customs Departments, etc., pester people for money and other gratifications. Government view such mal-practices with extreme displeasure and wish to re-emphasize the necessity of stopping forthwith such practices, wherever they exist and in whatever form or shape.

2. In this connection attention of the Ministries/Divisions is invited to Clause-1 of Rule 2 of the Government Servants, Conduct Rules, which provides, *inter alia*, that a Government servant shall not, except with the previous sanction of the Government—

(*a*) accept, directly or indirectly, on his behalf or on behalf of any other person ; or

(*b*) permit any member of his family so to accept any gift, gratuity, or reward.

3. It is requested that all the Ministries/Divisions may kindly bring the above instructions home to all the Class IV employees under their control including those employed in the Departments, etc. under them, and take effective steps to eradicate such evil practices.

(Establishment Division Office Memorandum No. 4/11/62-D.II, dated the 14th April, 1962.)

Acceptance of foreign trips sponsored by commercial firms:

Sl. No. 18-A :

It has come to the notice of the Government that Government servants accept offers of foreign trips through the generosity of parties who have commercial dealings with Government Departments or autonomous bodies. Beside being unbecoming of a Government servant, acceptance of such offers tends to place him under official obligation to the party concerned which is not conducive to good administration. It has therefore, been decided that Government servants should attempt to avoid acceptance of offers of such trips. If in any case it is not considered desirable to refuse such an offer in public interest, prior permission of the Establishment Division and the Ministry of Finance should invariably be obtained for its acceptance.

2. Ministries/Divisions are requested kindly to bring this to the notice of all concerned.

(Establishment Division O. M. No. 3/8/66-D.II, dated the 13th August, 1966.)

Propagation of sectarian creed :

Sl. No. 19 :

Government of Pakistan have received frequent complaints that certain officials belonging to a particular sect abuse their official position in propagating their sectarian creed among their subordinates and other persons who come in contact with them in their official capacity. Government take a serious view of this matter and have accordingly decided to stop this undesirable activity at once and to prohibit in future the propagation of any sectarian creed in this objectionable manner. Government wish to make it known that drastic action will be taken against any person who offends against this rule, irrespective of the sect to which he may belong.

(Establishment Division Office Memorandum No. 4/22/52-SEII, dated the 27th September, 1952.)

Private practice by Government servants in homoeopathic system of medicine :

Sl. No. 20 :

References are frequently received enquiring about the policy regarding the grant of permission to Government servants for private practice in the homoeopathic system of medicine. The Cabinet Secretariat (Establishment Division), therefore, consider it necessary to draw the attention of all the Ministries/ Divisions, etc. to the instructions contained in the former Government of India, Home Department Office Memorandum No. F. 50/26/36-Public, dated the 25th November, 1936 (Annexure) which envisage that permission for private practice by unqualified practitioners should not be granted. The above instructions are reproduced as an Annexure to this Office Memorandum for the guidance of all the Ministries/Divisions. These instructions still hold good and should, therefore, please be followed by all concerned.

(Establishment Division Office Memorandum No. 4/24/60-E.VI, dated the 28th April, 1960.)

ANNEXURE

COPY OF OFFICE MEMORANDUM NO. F. 50/26/36-PUBLIC, DATED THE 25TH NOVEMBER, 1936, FROM THE JOINT SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NEW DELHI, TO ALL DEPARTMENTS OF THE GOVERNMENT OF INDIA.

A protest has been received by the Director-General, Indian Medical Service, from a number of medical practitioners against the practice of homoeopathy by Government servants. The representation states that there are more than 50 Government servants who make a practice of homoeopathic treatment.

2. Any (non-medical) Government servant who makes a practice of homoeopathic (or any other form of medical) treatment without the previous sanction of the Government, or the Head of a Department is acting in contravention of Rule 13 of the Government Servants Conduct Rules, 1935 (applicable to members of the serv ices under the control of the Secretary of State-in-Council) or *Rule 15 of the Rules applicable to other persons. There is reason to suppose that, though the estimate above-mentioned may be exaggerated, there are a number of Government servants who regularly practice homoeopathy. This Department when consulted opposed the grant of sanction for the practice, but has no up-to date information as to the number of persons who have obtained sanction.

3. As medical practice by unqualified practitioners is open to obvious objections, and as Government servants who undertake it must find it difficult to avoid distraction from their official duties, it is suggested that applications for sanction should in future be refused, and that permission to practice, if already given should after a brief notice of a month, be revoked. It should be made generally known that the practice of any form of medical treatment is punishable as a breach of the Rules.

Sl. No. 20-*A* :

A reference is invited to the Establishment Division O.M. No. 4/24/60-EVI, dated the 28th April, 1960, in which Ministries/ Divisions were advised that Government servants who were not qualified practitioners should not be granted permission to practice homoeopathy. It has now been decided by the Government that the Government servants who are qualified practitioners and are eligible for registration under the Unani Ayurvedic and Homoeopathic Practitioners Act, 1965, should also be refused permission. Any such permission if already given to a Government servant should be revoked forthwith.

(Establishment Division O.M. No. 3/5/65-D.II, dated the 1st April, 1965.)

Transaction of insurance business by Government servants :

Sl. No. 20-B :

It has been brought to the notice of the Government that certain Government servants transact insurance business on behalf of their wives, sisters and other members of family living with or dependent upon them in whose names they have managed to secure agencies of insurance companies. Since during performance of official duties such Government servants come across other Government servants and private parties, they manage to obtain insurance policies from them by taking undue advantage of their official position. This state of affairs not only brings disrepute to the departments to which they belong, but also distracts their attention from official duties and retards their efficiency.

*Correspondence to Rule 16 of the Govt. Servants (Conduct) Rules, 1964.

2. According to Rule 16 of the Government Servants (Conduct) Rules, 1964, no Government servant can engage himself in any trade or business, directly or indirectly, without the previous sanction of the Government. Such transactions, therefore, constitute a violation of that rule and render the Government servants concerned liable to disciplinary action under the Government Servants (Efficiency and Discipline) Rules, 1960.

3. Ministries/Divisions are advised that it should generally be made known to all concerned that Government view this situation with concern and desire that Government servants who indulge in this business indirectly through their family members should abandon it forthwith.

(Establishment Division O.M. No. 3/9/66-D.II, dated the 16th August, 1966.)

Raising of subscriptions for functions, etc. :

Sl. No. 21 :

Enquiries are frequently received from various Ministries/Divisions on the point whether Government servants may participate in the raising of funds for functions such as receptions, etc. The matter has been considered and the Government have decided that whenever officials undertake to collect subscriptions for cultural and other non-official purposes, the permission of the next higher authority must invariably be taken. This would not apply naturally to the Basic Democracies.

2. A question has, however, arisen as to what criteria should be fixed for the guidance of the next higher authority in considering cases for such permission. The point is still under consideration and the decision on this point when arrived at will be communicated in due course. In the meanwhile, the next higher authorities should naturally exercise their discretion in this regard keeping in view the basic objectives of the order which is meant to put a check on indiscriminate raising of subscriptions for purposes which are not necessary from the point of view of the community as a whole. Any subscriptions which tend to glorify a particular Government official should be specifically discouraged.

(Establishment Division Office Memoranda No. 4/63/59- E.VI, dated the 5th November, 1960 and No. 4/39/61-E.VI, dated the 26th July, 1961.)

Sl. No. 22 :

In continuation of the Establishment Division Office Memorandum No. 4/39/61-E. VI, dated the 26th of July, 1961, the following further criteria have been laid down by Government to regulate the raising of funds by Government servants :

(i) The 'next higher authority' for the purposes of permission should be the next higher officer of the Government servant concerned, but where the next higher

officer is below the rank of a Head of Department, the permission of the Head of the Department concerned should be obtained through the next higher officer ;

(ii) No coercion or pressure should be used in the raising of funds—the basis of the campaign should be kept purely voluntary and every precaution should be taken to keep this entirely unconnected with official matters ;

(iii) The Police and Income-Tax authorities should be prohibited from taking part in any collection of funds ;

(iv) Collection of funds should take place outside office hours and it should not interfere with or hamper in the performance of the official duties of the Government servants concerned ;

(v) The authority permitting the raising of funds should satisfy itself that these are utilised for the purposes for which these have been collected ;

(vi) Funds should be collected to the extent it is necessary and care should be taken to see that the public are not unnecessarily burdened ;

(vii) Foreign establishments and firms should not be individually approached but if in response to a general appeal for funds, they voluntarily contribute, this should be accepted ; and

(viii) All subscriptions should be duly receipted, accounted for and the accounts submitted to the higher officer for scrutiny.

(Establishment Division Office Memorandum No. 4/39/61-D.II dated the 28th April, 1962.)

Farewell parties on the occasion of transfers of Government servants :

Sl. No. 22-A :

Attention is invited to *Rule 3 of the Government Servants Conduct Rules according to which a Government servant shall not, without the previous sanction of the Local Government, receive any complimentary or valedictory address, or take part in the presentation of a complimentary or valedictory address or attend a public meeting, or entertainment held in the honour of such other Government servant or to any person. Under sub-rule 2(c) of the same rule, no Government servant shall solicit any subscriptions in aid of a fund raised for non-official purposes. Instructions in amplification of this rule issued in the Establishment Division O.M. No. 4/39/61-EVI, dated the 26th July, 1961 (Sl. No. 21) enjoin that subscriptions which tend to glorify a particular Government official should be discouraged. In view of this, the conduct of Government servants who encourage

*Rule 7 of the Govt. Servants (Conduct) Rules, 1964 may be referred to in the present context.

non-officials to give big farewell parties on the occasion of their transfers, or who take interest in promoting a large number of pointless, functions and inauguration ceremonies would attract the provisions of Rules 3 of the Government Servants Conduct Rules.

2. It is therefore, requesed that the Ministries/Divisions/ Provincial Government may kindly bring the above rule and instructions to the notice of all Government servants and put a stop to this tendency among them. It may also be emphasized that breach of this rule will make them liable to be proceeded against under the Government Servants (Efficiency and Discipline) Rules, 1960.

(Establishment Division letter No. 4/4/63-DII, dated the 15th March, 1963.)

Association with Private Trusts, Foundations, etc. :

Sl. No. 22-*B* :

The Government of Pakistan have considered the desirability or otherwise of serving Government servants being associated with private Trusts, Foundations and similar other Institutions which are not sponsored by the Government itself, and have decided that no serving officer should associate himself with any such association or organisation.

2. This may kindly be brought to the notice of all concerned.

3. These orders will not apply to Judges of the High Court and Supreme Court of Pakistan.

(Establishment Division O.M. No. 4/8/63-D.II, dated the 7th June 1963 read with O.M. of same number dated the 8th July, 1963.)

Bar against naming of national institutions after the names of Government servants.

Sl. No. 22-*C* :

REFERENCE :—*Home Affairs Division letter No.* 29/4/53-*Public, dated the* 19*th May*, 1955 (*Annexure*).

It has been noticed that several Sports Tournaments have been named after Government officials and others, which is in contravention of the Government's decision cited above. It is, therefore, requested that necessary instructions may kindly be issued to all concerned in your Province calling upon them to ensure that no "Sports Tournaments" are named after Governors, Ministers and officials or their wives. Where a Minister or official has unwittingly permitted his name to be used for a Tournament he should be requested to arrange to withdraw his name.

(Home Affairs Division letter No. 29/2/56-Public, dated the 5th July, 1956.)

ANNEXURE

Copy of the Home Affairs Division letter No. 29/4/53-Public, dated the 19th May, 1955.

In supersession of all previous orders issued from time to time it has been decided that :—

(1) While naming of agricultural, industrial, educational, scientific, technical, research or any other kind of institutions and projects like bridges, roads, buildings, etc., after dead heroes might be encouraged no institution whatsoever should be named after Governors, Central or Provincial Ministers (including Chief Ministers), Government officials or wives of the above.

(2) No institution, official or semi-official, should be allowed to be named after a non-Pakistani without the permission of the Central Government ; and

(3) Only His Excellency the Governor-General may, in his descretion, permit institutions to be named after him.

Participation in foreign cultural associations or organisations :

Sl. No. 23 :

Government of Pakistan have had under their consideration the desirability or otherwise of Government servants participating in foreign cultural associations or organisations and have decided that no Government servant should associate himself with any such associations or organisations.

(Establishment Division Office Memorandum No. 4/26/60-E.VI, dated the 17th June, 1961.)

Sl. No. 24 :

REFERENCE.—*Establishment Division Office Memorandum No.* 4/26/60-*E. VI, dated the* 17*th June*, 1961.

Government have since further decided to authorise the Secretary of the the Ministry concerned to grant permission, in consultation with the Ministry of Home Affairs, to continue the existing membership of such organisation, by a Government servant who is committed and cannot extricate himself. In new cases, in which also the Ministry of Home Affairs should be consulted, the policy should be to discourage new membership in the interest of the proper performance of official duties.

(Establishment Division Office Memorandum No. 4/26/60-D.II, dated the 16th September, 1961.)

Sl. No. 25 :

REFERENCE.—*Establishment Division Office Memorandum No.* 4/26/60-*D.II, dated the* 16*th September*, 1961.

A question arose as to whether the restrictive orders should be applicable also to the membership of the British Council Library and other organisations of like nature. It has been decided that there should be no objection to officers becoming members of the British Council Library and similar organisations.

(Establishment Division Office Memorandum No. 4/26/60-D.II, dated the 15th November, 1961.)

Sl. No. 26 :

REFERENCE.—*Establishment Division Office Memorandum No.* 4/26/60-*D. II, dated the* 15*th November*, 1961.

Requests have been received for a clear definition of the term 'foreign cultural associations/organisations'. Government consider that a precise definition is neither necessary nor desirable. The term should, however, include in general all those non-official associations or organisations operating in Pakistan, which aim at promoting friendly relations, or which have a bearing upon relations, between Pakistan and one or more foreign countries.

(Establishment Division Office Memorandum No. 4/26/60-D.II, dated the 17th February, 1962.)

Prosecution of studies by Government servants in the educational institutions:

Sl. No. 27 :

.. .. .. *Omitted.* .. .. ..

Sl. No. 28 :

A reference is invited to the Establishment Division O.M. No. 4/24/59-VI, dated the 3rd May, 1960 (not reproduced) and it is stated that on further consideration it has been decided that:

(1) Government servants intending to take up a course of study at educational institutions should be required to take prior permission of the Head of the Department.

(2) No such permission should be granted unless the Head of the Department is satisfied that the prosecution of studies will not interfere with the Government servants official duties.

(3) Permission granted may be withdrawn if the Head of the Department is convinced that the Government servant is taking part in politics or prosecution of such studies is interfering with the satisfactory performance of the duties,

(Establishment Division O.M. No. 4/9/63-D.II, dated the 23rd September, 1964.)

Indulging in critical remarks against Ministers :

Sl. No. 29 :

All Government servants should be warned that they should not indulge in critical remarks against their own Ministers or other Ministers. This is against discipline or good conduct, and should be dealt with as such.

(Estt. Secretary's D.O. letter No. 4/20/61-D.II, dated the 23rd September, 1951.)

SECTION B

EFFICIENCY AND DISCIPLINE RULES AND RELEVANT ADMINISTRATIVE INSTRUCTIONS

Sub-Section B(1)

Government Servants (Efficiency and Discipline) Rules, 1960

Sl. No. 30.

In exercise of the powers conferred by clause (3) of Article 6 of the Laws (Continuance in Force) Order, 1958, the President is pleased to make the following Rules, namely :—

1. **Short title, Application and commencement.** (1) These Rules may be called the Government Servants (Efficiency and Discipline) Rules, 1960.

(2) Excepting persons to whom the Pakistan Railway Establishment Code applies, and members of such servi ces and holders of such posts as may be specified by the Central Government by notification in the official Gazette, these Rules apply to every person who is a member of an All Pakistan Service or who is serving in connection with the affairs of the Federation.

(3) They shall come into force at once.

(2) **Definitions.**—In these Rules, unless there is any thing repugnant in the subject or context,—

(1) " authority " means the President or an officer or authority designated by him to exercise the powers of the authority under these rules, or a person or authority deemed to be an authority designated,

(2) " misconduct " means conduct prejudicial to good order or service discipline or unbecoming an officer and a gentleman ;

(3) " penalty " means a penalty which may be imposed under these Rules.

3. **Grounds for penalty.**—Where a Government servant, in the opinion of the authority :—

*"[(a) is inefficient, or has ceased to be efficient, whether by reason of —

(i) infirmity of mind or body, or

(ii) having, on two or more consecutive occasions, failed to pass in a departmental examination prescribed for the purpose of maintaining or raising general efficiency, or

(iii) having, without reasonable cause, failed to appear at any such examination as aforesaid,

† or otherwise, and is not likely to recover his efficiency ; or" ;]

(b) is guilty of misconduct ; or

(c) is corrupt, or may reasonably be considered corrupt because—

(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income ; or

(ii) he has assumed a style of living beyond his ostensible means ; or

(d) is engaged or is reasonably suspected of being engaged, in subversive activities, or who is reasonably suspected of being associated with others engaged in subversive activities, and whose retention in service is therefore considered prejudicial to national security,—

the authority may, subject to the provisions of sub-rule (4) of rule 4, impose on him one or more penalties.

4. **Panalties.**—(1) The following are the minor penalties—

(a) censure ;

" (b) (i) withholding, for a specified period, of promotion or of increment otherwise than for *[unfitness for promotion or financial advancement in accordance with] the rules or orders pertaining to the service or post, or

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*[Substituted *vide* Estt. Div., Notification No. 6/1/62-D. I. dated 20th January 1964.]

† As amended *vide* Estt. Div. Notification No. 484(K)/65, dated 27th May 1965.

(ii) stoppage, for a specified period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar" ;

and the following are the major penalties—

(c) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;

(d) reduction to a lower posts or time scale, or to a lower stage in a time-scale ;

(e) compulsory retirement ;

(f) removal from service ;

(g) dismissal from service.

(2) Removal does not, but dismissal does, disqualify from future employment.

(3) For misconduct any penalty in sub-rule (1) may be imposed, [*for inefficiency as laid down in sub-clause (i) of clause (a) of rule 3, any of the penalties set out in clause (b) , (c), (d), (e) or (f) of that sub-rule may be imposed, and for inefficiency as laid down in sub-clause (ii) or (iii) of clause (a) of rule 3, any of the penalties set out in clause (d), (e) or (f) of the sub-rule may be imposed,] but for corruption or subversion those set out in clause (e), (f) or (g) of the sub-rule.

(4) No authority subordinate to that by which a Government servant was appointed shall be competent to impose on him any penalty set out in clause (d), (e), (f) or (g) of sub-rule. †[unless it has been expressly empowered to do so by the authority not so subordinate.]

Explanation.—The discharge—

*[(a) of a person appointed on probation—

(i) during the period of probation ; or

(ii) in accordance with the probation and training rules applicable to such person,]

(b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(c) of a person engaged under contract, in accordance with the terms of his contract,—

does not amount to removal or dismissal within the meaning of this rule.

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*As substituted *vide* Estt. Div. Notification No. 6/1/62-D. I, dated 20th January, 1964.

†As substituted *vide* Estt. Div. Notification No. SRO 775(K)/65, dated 6th September, 1965.

5. **Inquiry procedure in cases of subversion.**—(1) When a Government servant is to be proceeded against under clause (d) of rule 3, the authority—

(a) may, by order in writing, require the Government servant concerned to proceed on such leave as may be admissible to him, and from such date as may be specified in the order ;

(b) shall, by order in writing, inform him of the action proposed to be taken in regard to him and the grounds of that action ; and

(c) shall give him a reasonable opportunity of showing cause against that action before an Inquiry Committee to be constituted under clause (2) to inquire into the charge :

Provided that no such opportunity shall be given where the President is satisfied that in the interests of the security of Pakistan, or any part thereof, it is not expedient to give such opportunity.

(2) Where an Inquiry Committee is to be constituted in pursuance of clause (c) of sub-rule (1),—

(a) the President shall constitute it of three Secretaries to Government ;

(b) the Committee shall inquire into the charge and submit its findings to the President ; and

(c) the President shall not be required to consult the Federal Public Service Commission before passing such orders on the findings as he may think fit.

6. **Inquiry procedure in cases of inefficiency, misconduct and corruption.**—(1) When a Government servant is to be proceeded against under clause (a), (b) or (c) of rule 3, the procedure in the following sub-rule shall be observed.

(2) The authority may, if it thinks fit, appoint an officer of the Ministry or Department to which the Government servant (hereinfter called the accused) belongs to examine and report on the allegations against him to enable the authority to decide whether a formal inquiry should be held, and the officer may also informally examine the accused.

(3) If the authority decides that a formal inquiry should be held it shall decide further whether the allegations, if established, would call for a minor or a major penalty.

(4) (a) In cases calling for a minor penalty, the authority or such officer as may be appointed by it in that behalf, shall frame a charge and in making it known to the accused shall call upon him

to answer it within a specified time, which shall not be less than seven days nor more than fourteen days, and to state, together with his answer, whether he desires to be heard in person or to lead evidence in defence.

(b) On receiving the answer, the authority, or the said officer, shall, if satisfied that there is a *prima facie* case, and if the accused has so desired, give him the opportunity to be heard in person and to lead evidence in defence :

Provided that the authority, or the said officer, may, for reasons to be recorded, refuse to call a particular witness or to summon or admit particular evidence.

(c) If the accused fails to answer within the specified time, or, having answered, fails to appear or absents himself from the proceedings, the authority or the said officer may proceed with the inquiry and record a finding.

(5) (a) In cases calling for a major penalty the authority shall frame a charge and communicate it to the accused together with a statement or the allegations on which it is based and of any other circumstances which the authority proposes to take into consideration when passing orders on the case.

(b) The authority shall require the accused, within a reasonable time, which shall not be less than seven days nor more than fourteen days, from the day the charge has been communicated to him, to put in a written defence, stating at the same time whether he desires to be heard in person.

(c) If the accused so desires, or if the authority concerned so directs, an Inquiry Officer to be appointed under rule 8 shall hold an oral inquiry at which oral evidence shall be heard as to such of the allegations as are not admitted, and the accused shall be entitled to cross-examine the witnesses against him, to give evidence in person and to have such witnesses called for the defence as he may wish, provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call a particular witness or to summon, or admit particular evidence.

(d) The proceedings shall contain a sufficient record of the evidence and the Inquiry Officer's report of his findings and the grounds thereof.

(e) When the authority, having considered the report, has arrived at a provisional conclusion as to the penalty to be imposed, it shall so inform the accused and supply him with a copy of the report and call upon him to show cause within a reasonable time, which shall not be less than seven days, nor more than fourteen days, why the penalty proposed should not be imposed. The authority shall take into consideration any cause shown by the accused before passing orders.

(6) Nothing in the preceding sub-rules shall apply—

*[(i) where the accused is dismissed or removed from service or reduced in rank on the ground of conduct which has led to a sentence of fine or of imprisonment ; or]

*Substituted by the Estt. Div. Notification No. 4/4/59 S-R, dated 23rd February, 1960.

(ii) where the authority competent to dismiss or remove a person or to reduce him in rank is satisfied that for reasons to be recorded by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

7. **Power to order medical examination as to mental or bodily infirmity.**—(1) Where it is proposed to proceed against a Government servant on the ground of inefficiency by reason of infirmity of mind or body the authority may at any stage, whether or not an officer has been appointed in pursuance of sub-rule (1) or rule 6 to examine and report, require the Govt. servant to undergo a medical examination by a Medical Board or a Civil Surgeon, as the authority may direct, and the report of the Board or the Civil Surgeon shall form part of the proceedings.

(2) If a Government servant refuses to undergo such examination his refusal may, subject to the consideration of any grounds he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result or the examination would prove unfavourable to him.

8. **Appointment and procedure of Inquiry Officer.**—(1) Where a Government servant is proceeded against under clause (a) or clause (b) or clause (c) of rule 3, and the authority has decided that the case calls for a major penalty, the authority shall appoint an officer, being senior in rank to the person proceeded against, to be Inquiry Officer and to conduct the proceedings.

(2) The Inquiry Officer shall hear the case from day to day, and no adjournment shall be given except for reasons to be recorded in writing. Every adjournment, with reasons therefor, shall be reported forthwith to the authority. No adjournment shall be given for more than a week.

(3) If the Inquiry Officer is satisfied that the Government servant proceeded against is hampering or attempting to hamper the progress of the inquiry he shall administer a warning, and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect, and proceed to complete the inquiry in such manner as he thinks best fitted to do substantial justice.

(4) The Inquiry Officer shall, within ten days of the conclusion of the proceedings, or such longer period as may be allowed by the President, submit his findings and the grounds thereof to the authority.

9. **Reference to the Federal Public Service Commission.**—(1) Subject to any regulations made by the President providing for matters on which consultation with the Federal Public Service Commission shall not be required and subject to the provisions of clause (c) of sub-rule (2) of rule 5, all proceedings under these Rules in which any penalty is proposed to be imposed on a Government servant shall be forwarded to the Commission, with a statement of the grounds and the penalty proposed.

(2) The Commission shall tender its advice within twenty days or such longer period as may be allowed by the President, and the authority shall take the advice into consideration before passing orders.

10. **Suspension.**—A Government servant against whom action is proposed to be taken under clause (b) or (c) of rule 3 may be placed under suspension if, in the opinion of the authority, suspension is necessary or expedient :

*[Provided that the authority may, if it considers it more expedient, instead of placing such Government servant under suspension, by order in writing require him to proceed on such leave as may be admissible to him from such date as may be specified in the order.]

11. **Compensation pension, gratuity, etc. of Government servants compulsorily retired, removed or dismissed.**—(1) Subject to any order of the President as to the amount of compensation pension or gratuity to be paid, a Government servant compulsorily retired shall, except as hereinafter provided, be entitled to such compensation pension or gratuity or provident fund benefits as would have been admissible to him on the date of the retirement under the Rules applicable to his service or post if he had been discharged from service on account of the abolition of his post without alternative suitable employment being provided.

** "Provided that where the compulsory retirement follows a period of suspension ordered under rule 10, such compensation pension or gratuity or provident fund benefits shall be admissible only for the period of service rendered excluding the period of suspension."

(2) Subject to any order of the President made on compassionate grounds, a Government servant who is removed or dismissed shall not be entitled to any compensation pension, gratuity or benefits accruing from Government contribution to a contributory provident fund.

12. **Reinstatement.**—(1) If a Government servant proceeding on leave in pursuance of an order under clause (a) of sub-rule (1) of rule 5,†[or under the proviso to rule 10,] is not dismissed, removed, reduced in rank, or compulsorily retired, he shall be reinstated in service, or as the case may be, restored to his rank or given an equivalent rank, and the period of such leave shall be treated as duty on full pay.

(2) Reinstatement after suspension shall be governed by the Fundamental and Supplementary Rules.

13. **Appeal.**—A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under Part XIII of the Civil Services (Classification, Control and Appeal) Rules :

Provided that where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for a review of the order.

14. **Exemption.**—Nothing in clause (c) of sub-rule (1) or in sub-rule (2) of rule 5, in clause (5) of rule 6, or in rule 8 and rule 9

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*[Inserted vide Estt. Div. Notification No. 5/1/63-D. I. dated 22nd July 1963.].

**(Inserted *vide* Estt. Div. Notification No. 67(K)/66,dated 25th January 1966.)

†(Inserted *vide* Estt. Div. Notification No. 5/1/63-D. I, dated 15th January 1964.)

shall operate to regulate any proceedings under these Rules where the authority is the Chief Justice of Pakistan.

15. **Repeal.**—(1) The following Rules in their application to the Government servants to whom these Rules apply are hereby repealed :

(a) Part XII of the Civil Service (Classification, Control and Appeal) Rules.

(b) The Civil Services (Prevention of Corruption) Rules, 1953.

(c) The Civil Services (National Security) Rules, 1957.

(d) The Government Servants (Discipline and Efficiency) Rules, 1959.

(2) Any person or authority, or the successor of the same, authorised to exercise powers in virtue of a delegation made under Part XII of the Rules mentioned in clause (a) of sub-rule (1) and subsisting immediately before the commencement of these Rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these Rules, be deemed to be an authority designated under these Rules.

*(Establishment Division Notification No. S.R.O. 2(R) dated the 19th January, 1960—as published in the Gazette of Pakistan (Ext), dated the 20th January 1960.)

*(As amended up to January, 1966).

Validity of the disciplinary powers exercised by the various authorities before the commencement of Efficiency and Discipline Rules. 1960 :

Sl. No. 30-*A* :

Forwarded herewith for the information and guidance of Ministries/Divisions is a copy each of the late Government of India, Home Department Notifications No. 9/2/33-Ests, dated the 9th January, 1934 (Annexure I) and No. 9/19/30-Ests, dated the 27th February, 1932 (Annexure II) which contain rules about appointment, conduct, discipline and appeal in respect of Class II and Subordinate Services, respectively. These rules are *mutatis mutandis* still in force in Pakistan but their revision is at present in hand in the Establishment Division.

(Establishment Division O. M. No. 3/71/58-SEII, dated the 13th September, 1958.)

*NOTE.—Disciplinary powers available to different authorities due to delegation made under the Government of India notification Nos. 9/2/33-ESTS dated the 9th January, 1934 (Annexure I) and 9/19/30-ESTS dated the 27th February 1932 (Annexure II) are protected by Rule 15(2) of the G. S. (E&D) Rules, 1960, although Part XII of the C. S. (C. C&A) Rules, has been repealed. Also delegation of powers of appointment made under those notifications are not in any way, affected by the E&D Rules, 1960 as such delegation was made under Rule 34 of the C. S. (C. C&A) Rules in Part V of the said rules which has not been repealed.

*(Authority:—Para 2 of the Establishment Division U. O. No. 1012/66-D. I, dated the 21st February, 1967.)

ANNEXURE I

Late Government of India, Home Department Notification No. F. 9/2/33-Establishment, dated the 9th January, 1934.

** ** **

In exercise of the powers conferred by rules 34 and 53 of the Civil Services (Classification, Control and Appeal) Rules, and in supersession of the notification of the Government of India in the Home Department, No. F. 9/18/30-2, dated the 18th November, 1931 and of all notifications amending the same, the Governor General in Council is pleased—

(1) to empower, subject to any general or special orders that he may issue in this behalf, the authorities specified in column 2 of the annexed schedule to make first appointments to the services and posts specified in the corresponding entry in column thereof,

(2) to delegate—

(a) to Chief Commissioners the power to impose the penalty of suspension on members of All India Services and Central Services, Class I (other than members of the Indian Ecclesiastical Establishment and the holders of the posts of Superintendent of Education, Delhi, Ajmer-Merwara and Central India and of Inspector of Factories, Boilers and Electricity, Delhi and Ajmer-Merwara) serving under their administrative control.

(b) to the authorities specified in columns 3 and 4 of the annexed schedule power to impose the penalties specified therein on members of the services and holders of the posts specified in the corresponding entry in column 1 of the said schedule.

Subject to the following conditions, namely :—

(i) all orders of punishment shall be placed on record in writing and shall state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

(ii) Where the officer to be punished has been lent to the punishing authority* —

(A) the power to remove or dismiss shall not be deemed to have been delegated to any authority and shall not be exercised by any authority other than the lending authority ; the borrowing authority shall in a case where he considers that the punishment of removal or dismissal should be imposed

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*The Government of India have decided to establish the convention that in the case of a difference of opinion between the lending and the borrowing authority as to the imposition of a particular penalty the opinion of the lending authority shall ordinarily prevail. In such a case the borrowing authority would probably prefer to revert the officer concerned to the lending authority—G. I., H. D., letter No. F. 9/2/33-Ests., dated the 9th January, 1934.

complete the inquiry and revert the officer concerned to the lending authority for such action as that authority may consider necessary ; and

(B) the punishing authority shall consult the lending authority before imposing any lesser penalty (except suspension), and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty.

Explanation : For the purposes of condition (ii) the holder of a posts borne for the purposes of recruitment on the cadre of a provincial service shall be deemed to have been lent by the local Government of the province concerned to the authority to whom he is subordinate in such post.

(iii) No officer shall be removed or dismissed by an authority subordinate to that by which he was appointed.

(2) In respect of the exercise on or after the 27 th May, 1930, of a power delegated in this notification by an authority to whom such power is so delegated the delegations hereby made shall be deemed to have had effect from the said date.

ANNEXURE II

G.I., H.D. NOTIFICATION NO. F. 9-19/30-ESTS., DATED THE 27TH FEBRUARY 1932 (AS AMENDED UP TO THE 1ST JULY, 1934).

In exercise of the powers conferred by rules 44 and 54 of the Civil Services (Classification, Control and Appeal) Rules, the Governor General in Council is pleased to make the following rules to provide for the making of first appointment to subordinate services under his administrative control and for the discipline and rights of appeal of members of those services :—

RULES.

First appointment.

1. All first appointments to the Services included in the Schedule to these rules shall be made by the authority mentioned in column 2 of that Schedule.

2. Without prejudice to the provisions of any law for the time being in force, all first appointments to subordinate Services not included in the Schedule to these rules shall be made by the head of the office in administrative charge of the service or post.

NOTE.—If any doubt arises as to who is the head of the office for the purposes of this rule, the matter shall be referred to the Governor-General in Council, whose decision shall be final.

EXPLANATORY NOTES

The effect of the words "without prejudice to....in force" is already produced by rule 3 (a) of the Civil Services (Classification, Control and Appeal) Rules ; but they are put in lest that fact be overlooked. These words are not taken into rule 1 because it is assumed that no entry is made in the Schedule which clashes with provision in a special Act.

DISCIPLINE

3. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of Subordinate Services, namely :—

(i) Censure.

(ii) Withholding of increments or promotion, including stoppage at an efficiency bar.

(iii) Reduction to a lower post or time-scale, or to a lower stage in time-scale.

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

(v) Suspension.

(vi) Removal from the civil service of the Crown which does not disqualify from future employment.

(vii) Dismissal from the civil service of the Crown, which ordinarily disqualifies from future employment.

Explanation :— The discharge—

(a) of a person appointed on probation, during the period of probation,

(b) of a person appointed, otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment,

(c) of a person engaged under contract, in accordance with the terms of his contract,

does not amolunt to remova or dismissal within the meaning of this rule.

4. Subject to the condition that no officer may be removed or dismissed by an authority subordinate to that by which he was appointed, the authorities specified in column 3 of the Schedule to these rules may impose the penalties specified in column 4 of that Schedule upon members of the services included in that Schedule.

5. Subject to the condition that no officer may be removed or dismissed by an authority subordinate to that by which he was appointed, and without prejudice to the provision of any law for

the time being in force, the authority having power to make first appointments to the service or post in question may impose any penalty specified in rule 3 upon members of Subordinate Services not included in the Schedule to these rules.

6. (i) Without prejudice to the provisions of rule 55 of the Civil Services (Classification, Control and Appeal) Rules, no order imposing a penalty specified in Rule 3, other than an order of censure or suspension or an order superseding him for promotion to a higher post on the ground of his unfitness for that post or an order based on facts which have led to his conviction in a criminal court, shall be passed against a member of a Subordinate service unless the officer concerned has been given an adequate opportunity of making any representation that he may desire to make and such representation if any, has been taken into consideration before order is passed :

Provided that the requirements of this sub-rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and they can be waived without injustice to the officer concerned.

(ii) The authority imposing any penalty under these rules shall maintain a record showing—

(*a*) the allegations upon which he proceeded against the officer punished,

(*b*) the officer's representation, if any, and the evidence taken, if any,

(*c*) the findings and the ground thereof.

(iii) where the officer to be punished has been lent to the punishing authority—

(*a*) the power to remove or dismiss shall not be deemed tohave been delegated to any authority and shall not be exercised by any authority other than the lending authority; the borrowing authority shall in a case where he considers that the punishment of removal or dismissal should be imposed complete the inquiry and revert the officer concerned to the lending authority for such action as that authority may consider necessary ; and

(*b*) the punishing authority shall consult the lending authority before imposing any lesser penalty (except suspension), and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty.

Explanation.—For the purposes of this sub-rule the holder of a post borne for the purposes of recruitment on the cadre of a provincial subordinate service shall be deemed to have been lent by the local Government of the province concerned to the authority to whom he is subordinate in such post.

EXPLANATORY NOTES

(1) Sub-rule (i) provides for subordinate services what is not provided in the Classification Rules for non-subordinate services, namely specified procedure for arriving at orders of punishment other than removal, dismissal or reduction. It does little more than cannonise for subordinate services what is an existing practice in all grades of service ; and it is right that lower officials, whose disciplinary control is the most distantly removed from the hands of Government, should be given a charter for their protection extending beyond the scope of Classification Rule 55. An effect of doing this is to make it more reasonable to confine the right of appeal to a single appeal, as these rules do.

(2) Sub-rule (iii) reproduces the second condition laid down in the G. I., H.D., notification No. F. 9/2/33 Ests., dated the 9th January, 1934 *vide* Appendix VIII.

APPEAL

7. Every member of a Subordinate service shall be entitled to appeal as hereinafter provided, from an order—

(*a*) imposing upon him any of the penalties specified in rule 3; or

(*b*) discharging him in accordance with the terms of his contract if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated.

8. Members of services included in the Schedule to these rules may appeal from orders passed in exercise of powers conferred by rule 4 to the authorities specified in column 5 of that Schedule.

NOTE.—If, owing to the conditions mentioned in rule 4, the authority ordering the removal or dismissal of an officer higher than the authority specified in column 3 of the Schedule, then the officer shall be entitled to appeal to the authority immediately superior to the authority imposing the penalty. If any doubt arises as to who that authority is, the matter shall be referred to the Governor-General in Council, whose decision shall be final.

9. Members of Subordinate Services not included in the Schedule to these rules may appeal from orders passed on exercise of powers conferred by rule 5 to the authority immediately superior to the authority imposing the penalty.

NOTE.—If any doubt arises as to who is the immediately superior authority for the purposes of this rule, the matter shall be referred to the Governor-General in Council, whose decision shall be final.

10. A member of a subordinate service may appeal from an order of discharge of the kind referred to in rule 7 (*b*) to the authority to whom he would have been entitled to appeal under these rules had the order been an order of dismissal.

11. The appellate authority shall consider—

(*a*) whether the facts on which the order was based have been established.

(*b*) whether the facts established afford sufficient ground for taking action; and

(*c*) whether the penalty is exessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

EXPLANATORY NOTES

A representation against an order passed by an appellate authority in exercise of the powers conferred by this rule, addressed to the Director General of Posts and Telegraphs or to any authority subordinate to him by members of subordinate services in the Posts and Telegraphs Department, may be withheld by the authority immediately below the authority to whom it is addressed.

12. Every person preferring an appeal shall do so separately and in his own name.

13. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no-dis-respectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred, through the authority from whose order the appeal is preferred, and shall be submitted through the usual official channel.

EXPLANATORY NOTES

The first sentence reproduces the first sentence of Classification Rule 63. The second sentence is a modification of the second sentence of Classification Rule 63 designed.—

(*i*) to accommodate cases, if any, in which the " Head of Office " will himself be the appellate authority;

(*ii*) to ensure that the appeal is always seen by the authority from whose order it is preferred, and

(*iii*) to provide, in general terms, that the appeal shall pass through the usual official channel.

14. An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if—

(1) It is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provisions of rule 13, or

(3) it is not preferred within six months after the date on which the appellant was informed of the order

appealed against, and no reasonable cause is shown for the delay, or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

(5) it is addressed to an authority to which no appeal lies under these rules.

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it;

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 13 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

EXPLANATORY NOTES

This rule follows Classification Rule 64, with a different description of the authority by whom an appeal may be withheld. The provision that an appeal may be withheld by an authority not lower than the authority from whose order it is preferred is intended to mean :—

(*a*) that if an appeal passes through authorities lower than the punishing authority in its course "through the usual official channel", it must be forwarded by such authority to the punishing authority, and

(*b*) that it can be withheld by the punishing authority or by any higher authority lying in "the usual official channel" between the punishing authority and the appellate authority.

15. No appeal shall lie against the withholding of an appeal by a competent authority.

16. A list of appeals withheld under rule 14, with the reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

17. An appellate authority may call for the records of any appeal withheld by an authority subordinate to it which under these rules may be made to it and may pass such orders thereon as it considers fit.

18. Nothing in these rules shall preclude the Governor-General in Council from revising, whether on his own motion

or otherwise, any order passed by an authority subordinate to him in exercise of powers conferred on such authority by these rules.

19. Nothing in these rules shall operate to deprive any member of a subordinate service of any right of appeal which he would have had if these rules had not been made, in respect of any order made before these rules came into force. An appeal in respect of such an order pending on, or preferred after, the 27th February, 1932, shall be deemedto be an appeal under these rules, and rule II shall apply as if the appeal were from an order appealable under these rules.

Appointing, punishing and appellate authorities in the Pakistan Central Secretariat.

Sl. No. 30-*B*:

NOTE.—The statement below has been compiled for information of the Ministries/Divisions.

Appointing, punishing and appellate authorities in the Pakistan Central Secretariat

Rank	Authority empowered to appoint	Authority empowered to punish	Punishments which the authority may impose	Appellate authority	Consultation with the C.P.S.C.
1	2	3	4	5	6
Class I					
Assistant Secretaries. (Redesignated as Section officers since 1st October, 1959).	President.	President.	All	(No. appeal)	Obligatory before imposing punishment.
Class II					
Superintendents	Secretary*.	Secretary. *	All	President.	Obligatory before issue of orders on appeal.
Assistants and Stenographers.	Do.	Dy. Secretary.	(*i*) & (*v*) only.	Secretary*.	Not obligatory at any stage if order of punishment is that of Deputy Secretary.***
		Secretary*	All	President.	Before order on appeal if punishment order is made by the Secretary.

Cass III

Upper and Lower Division Clerks and other class III Staff.	Dy. Secretary.	Dy. Secretary.	All.	Secretary*.	Not obligatory***
Class IV employees	Asstt. Secretary.	Asstt. Secretary. Dy. Secretary.	(*i*) & (*v*)**only. (*vi*) & (*vii*)**	Dy. Secretary. Secretary*.	Do.

*A Joint Secretary where there is no Secretary.

**(*i*) Censure.

(*ii*) Withholding of increments, promotion, including stoppage at an efficiency bar.

(*iii*) Reduction to a lower time-scale or a lower stage in a time-scale.

NOTE.—If reduction involves reduction in rank, the punishment cannot, in view of Article 177 (1) (a) of the Constitution, now be imposed by an authority subordinate to the appointing authority, unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate.

(*iv*) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

(*v*) Suspension.

*** (*vi*) Removal from service.
(*vii*) Dismissal from service.

***CPSC would, however, have to be consulted if the President, in response to a petition or memorial, proposes to over rule or modify the order of a subordinate authority.

Delegation of powers under the Government Servants (Efficiency and Discipline) Rules, 1960.

Sl. No. 31:

"Authority" in respect of Class II Services/Posts in Attached or Subordinate offices.

In pursuance of Rule 2 of the Government Servants, (Efficiency and Discipline) Rules, 1960, the President is pleased to direct that as respects the Central Class II Services and posts in Attached Departments or Subordinate Offices, the authority for the purpose of the said Rule shall be :—

(*i*) the Head of the Department in the case of an Attached Department ; and

(*ii*) the Head of the Department declared as such under S.R. 2(10) in the case of a Subordinate Office.

(Estab. Divin. Notification No. 1/1/60—E.V., dt. the 28th June 1960).

Sl. No. 31 *A*:

Powers to suspend Class I Officers posted in Pakistan Missions abroad.

The President has been pleased to appoint all Heads of Pakistan Missions abroad as the "authority" under clause (I) of Rule 2 of the Government Servants, (Efficiency and Discipline) Rules, 1960, for the purpose of suspension, under Rule 10 of the said Rule, of Class I Officers working under them.

2. The order of suspension passed by the Head of a Mission shall, however, lapse after a peiod of 30 days unless in the meantime it has been up-held by the President.

(Establishment Division Memo. No. 2/10/64-D. I., dated the 4th June, 1964.)

Sub-Section B (2)

Administrative instructions regarding interpretation of and/or ancillary to the Efficiency and Discipline Rules, 1960.

Competency of the punishing authority to re-try cases or to revise punishments already imposed.

Sl. No. 31 **B**:

The following questions have arisen :—

(*a*) Whether an original punishing authority can, on his own accord, retry a case in which he has already passed orders on the grounds that some flaws in the statutory

procedure have been detected by him after the issue of orders but before any appeal has been preferred to the appellate authority against these orders; and

(*b*) Whether a punishing authority can, merely on reconsideration, modify and revise the penalties already imposed by him in a case in which there has been no flaw in the statutory procedure.

2. The reply to both questions is in the negative. An original punishing authority cannot revise its own punishing orders whether merely on reconsideration or on discovery of some flaw in the statutory procedure after the original orders are passed but before any appeal has been preferred against these orders. In either case, if no appeal has been preferred, only the GG-in-Council in exercise of his revisional powers can order a retrial of the case or a modification of the original orders.

3. In this connection it may be added that the intention of the orders contained in para 2 (b) of this office letter No. ESB, III-I/36, dated the 29th May, 1936, is that the appellate authority can order retrial of a case on the ground of flaw in procedure only on receipt of an appeal from the appellant. If no appeal has been preferred or if an appellate authority has already passed his order on an appeal the only authority competent to order retrial in a case on the grounds of flaw in procedure is the Governor General-in-Council—

4 & 5 ....Omitted.........................

(Late D. G., P&T., New Delhi letter No. E. III-18/41, dated the 30th January, 1941 to a ll Heads of Circles).

*NOTE.—The clarification given by the late D. G. P&T in his above letter is valid in the present context.

*(*Authority*.—Estt. Division U. O. No. 1012/66-D. I., dated the 21st February, 1967).

Clarification of the term "appellate authority" in respect of Class II Central Government Servants.

Please *see* Chapter II, Establishment Manual Vol. I.

Appellate authority in respect of Class III and IV staff of the Attached/ Subordinate Offices.

Please *see* Chapter II, Establishment Manual Volume I.

Powers of the Inquiry Officer under the G. S. (E. & D.) Rules, 1960.

Sl. No. 31*C*.

A question has arisen as to the extent of the powers of the Inquiry Officer in a departmental proceeding under the Government Servants (Efficiency and Discipline) Rules, 1960, to compel

attendance of witnesses (whether the witness be a Government servant or a private person) and also whether and to what extent TA should be allowed to such witnesses.

(Pl. *see* Establishment Division O. M. No. 2/5/68-DI Dated the 8th June, 1968 Sl. No. 31-D)

2. As for the question whether such witnesses should be entitled to TA and if so, by whom it should be paid and at what rate, the Efficiency and Discipline Rules are silent; but in any case, a witness summoned will have to be paid for his reasonable expenses. In this respect a distinction should be made between a Government servant and a private person. A Government servant summoned by an Inquiry Officer should be allowed TA as admisssible to him under S.R. 154 *et seq* and he should draw it on a regular TA bill from his own Department on the strength of the Attendance Certificate furnished by the Inquiry Officer and this should be debited against the office at whose instance the inquiry was being conducted, by book adjustment. In the case of a witness who is not a Government servant, travelling expenses should be determined by the Inquiry Officer with reference to the status of the witness and should be paid on the basis of the orders passed by the Inquiry Officer, by the Department at whose instance the inquiry was being conducted. The TA to be paid to a non-Government servant should, however, in no case exceed the maximum TA admissible to a Government servant of the highest grade. The provisions of S. R. 190 *et seq* should also be kept in view in such cases.

(Establishment Division O. M. No. 2/41/62-D. I., dated the 28th February, 1963.)

Sl. No. 31-*D* :

REFERENCE :—*Para* 1 *of the Establishment Divison O.M. No.* 2/6/68-*D.I., dated the* 28*th February*, 1968.

The questions whether an Inquiry Officer appointed under the Government Servants' (Efficiency and Discipline) Rules, 1960, can enforce the attendance of a witness and how and what action can be taken against a witness for disobeying his summon; have been further examined in consultation with the Law Division. It now appears that although an inquiry Officer appointed under the G.S. (E & D) Rules, 1960 has the power to summon any witness to appear before him, he is not competent to compel the attendance of a witness if he refuses to obey the summons.

2. The essential ingradients of an offence punishable under Section 174 and 175 PPC are (1) the officer issuing the summons is competent to compel the attendance of a witness and (2) the person summoned is legally bound to attend. In view of the fact that the Inquiry Officer appointed under the G.S. (E&D) Rules is not competent to compel the attendance of a witness and that the witness is not legally bound to appear before him, no action under Section 174 and 175 P.P.C. can be taken against, any witness disobeying summons of the Inquiry Officer. Para 1 of the Establishment Division O.M. referred to above may therefore, be treated to have been cancelled.

3. A Government servant summoned by an Inquiry Officer through his official superior may however, be proceeded against on a charge of misconduct if he refuses to obey the summons.

(Establishment Division O.M. No. 2/6/68-D.I., dated the 8th June, 1968.)

Sl. No. 31-*E* :

In continuation of para 2 of the Estt. Div. O.M. No. 2/41/62-D.I. dated the 28th Feb., 1963, a further question has since arisen as to whether the aforesaid provision of TA should equally apply also to the defence witness summoned by the Inquiry Officer in a departmental proceeding. The point has been examined in this Division in consultation with the Ministry of Finance. The position of the defence witnesses regarding summoning them and paying them TA is as explained hereunder.

2. It is for the Inquiry Officer to consider if any particular witness cited by the accused as a defence witness is likely to be an essential witness for the purpose of defence or in other words, for the determination of truth. If the Inquiry Officer agrees that the examination of the witness will be essential he may summon him and as soon as summons him he will take upon himself the obligation to allow the witness reasonable TA. If the witness is an official, he is to draw the TA from his parent Department on the strength of the attendance certificate furnished by the Inquiry Officer, the amount being debited by book adjustment against the office at whose instance the inquiry was conducted.

3. If, however, the Inquiry Officer is not satisfied whether the examination of a particular witness will be essential for the determination of truth he may at his discretion refuse to summon such a witness. He may, however, agree to summon him on condition that the accused will bear the travelling expenses of the witness and he may accordingly require the accused to deposit with him the anticipated amount of the TA of the witness, in advance, so that the witness could be paid therefrom. In that case the attendance certificate to be furnished to the witness by the Inquiry Officer should contain the endorsement that the witness has been paid his travelling expenses. This will debar the witness from claiming the TA again from the Government.

(Establishment Division O. M. No. 2/41/62- D. I., dated the 13th April, 1963.)

Sl. No. 31-*F* :

REFERENCE—*Establishment Division O.M. No.* 2/41/62-*D.I., dated the* 13*th April*, 1963.

A question has since arisen as to whether a Government servant under suspension who was required to perform official journey as a witness or as an accused, would be entitled to T.A. The question has been examined in this Division in consultation with the Ministry of Finance and it has been held that such a Government servant would be entitled to T.A. in such cases and his grade and salary for that purpose would be taken as if he was not under suspension.

(Establishment Division O. M. No. 2/41/62-D. I. dated the 19th July, 1963.)

Bar against use of Government stationery and service postage stamps by accused Government servants in disciplinary proceedings.

Sl. No. 31-*G* :

The question whether an accused Government servant is entitled to use Government stationery and service postage stamps in replying to the charges framed against him and in making other correspondence in connection with his defence has recenty been examined and it is decided that an accused Government servant is not entitled to use Government stationery and service postage stamps in replying to the charges or making other correspondence in connection with his defence. Cost of stationery and postage stamps required by him in connection with his defence has in all cases to be borne by the accused Government servant himself.

(Establishment Division O.M. No. 2/29 /67-D. I, dated the 8th January, 1968.)

Speedy disposal of suspension and/or disciplinary cases :

Sl. No. 32 :

Cases have come to the notice of the Establishment Division in which Government servants have been kept under suspension unduly long, the period in some cases extending over six months thereby subjecting them to unnecessary mental and other hardships................ ....

2. The matter was considered at the Secretaries' meeting, held on the 7th July, 1949. It has been decided, in the first place, that no Government servant should be placed under 'suspension' except when this is really necessary, and that the following factors should guide an officer in deciding whether or not to issue orders of suspension :

(*a*) There must be a strong *prima-facie* case against the delinquent ;

(*b*) If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable ;

(*c*) Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to ;

(*d*) No one should be suspended for petty breaches of discipline and for minor departmental offences ;

(*e*) No one should be suspended unless :

(*i*) he wilfully and obstinately refuses to carry out an order ;

(*ii*) during the course of an enquiry his retention in his appointment would hamper or frustrate such enquiry ;

3. A Government servant summoned by an Inquiry Officer through his official superior may however, be proceeded against on a charge of misconduct if he refuses to obey the summons.

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(*a*) There must be a strong *prima-facie* case against the delinquent ;

(*b*) If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable ;

(*c*) Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to ;

(*d*) No one should be suspended for petty breaches of discipline and for minor departmental offences ;

(*e*) No one should be suspended unless :

(*i*) he wilfully and obstinately refuses to carry out an order ;

(*ii*) during the course of an enquiry his retention in his appointment would hamper or frustrate such enquiry ;

(*iii*) he is in Police custody ;

(*iv*) he is charged with an offence of a nature which, if proved against him, would ordinarily result in his dismissal.

NOTE.—Where documentary and oral evidence has already been collected and the risk of an official tampering with evidence (documentary or oral) no longer exists, the order of suspension should be cancelled. Where, however, there is still such a risk, he should be transferred. In cases where the police have intervened and the official is under arrest, the order of suspension must remain in force until the official is released on bail or until sentence has been pronounced.

It has further been decided that the responsibility for seeing that a disciplinary case is disposed of expeditiously should rest with the Secretary in each Ministry. Fortnightly statements showing the stage in respect of each case of persons placed under suspension should be submitted by each Ministry to the Secretary to enable him to watch the progress of such cases. Quarterly statements, showing the particulars of persons under suspension and the stage of each case, should also be forwarded to the Establishment Division for the information of the Government. These reports should be supplied in the beginning of January, April, June and September each year, the first statements being supplied to this Division early in September next.

3. It has been observed that, on being placed under 'suspension', an officer is generally prohibited from leaving the station. This is desirable where it is felt that, unless he is confined to a particular station, he might tamper with the evidence likely to be produced against him, but such prohibition should not be enforced if there is no cause for such apprehension. He should simply be required to inform the authority concerned of his movements.

(Establishment Division Office Memorandum No. F. 32/48-Ests(SE), dated the 21st July, 1949.)

Sl. No. 33 :

REFERENCE.—*Establishment Division Office Memorandum No. F.* 32/48-*Ests* (*SE*), *dated the* 21*st July*, 1949.

Inspite of the instructions referred to above, instances have been brought to the notice of Government where disciplinary cases have been pending for as long as two years or even more. The question of speedy disposal of disciplinary cases has, therefore, been considered by Government again and it has been decided that the following instuctions should be strictly observed by the Ministries/Divisions.

2. As stated in paragraph 2 of the Establishment Division Office Memorandum dated the 21st July, 1949 quoted above, no Government servant should be placed under suspension except

when it is really necessary. When, after due consideration and care it is decided to suspend an officer, it should be the primary responsibility of the Head of the Ministry/Division/Department to see that the case against the Government servant is disposed of as expeditiously as possible. In order to enable the Head of the Ministry/Division to watch the progress of each case where a Government servant has been suspended and issue necessary directions for its speedy disposal, the fortnightly statements as prescribed in paragraph 2 of the Office Memorandum dated the 21st July, 1949, referred to above should invariably be submitted to him by the office concerned.

3. Disciplinary proceedings against Government servants placed under suspension should be finalised within two months of the date of suspension. If in any case it is not possible to finalise (within the time limit of two months departmental proceedings against a Government servant under suspension, the matter should be reported to the Establishment Secretary giving the following details :—

(i) Particulars of the case ;

(ii) Reasons for delay ; and

(iii) The period within which the case is expected to be finalised.

The Establishment Secretary after scrutinising the report will offer such advice to the Ministry/Division/Department as he may consider necessary with regard to the speedy disposal of the case. If, the Establishment Secretary is satisfied in any case that the suspension of the Government servant concerned is no longer justified or necessary, he may recommend to the competent authority to cancel the order of suspension. In cases relating to Government servants other than Class I, orders of suspension may also be cancelled by the Head of the Ministry or other competent authority if he is satisfied at any time, before the finalisation of the disciplinary proceedings against him that the suspension of the Government servant concerned is no longer justified or necessary.

4. The quarterly statements as prescribed under Establishment Division Office Memorandum dated the 21st July 1949 showing particulars of Government servants under suspension and the stage of such case should continue to be forwarded to the Establishment Division.

(Establishment Division O.M. No. 3/53/58-SEII, dated the 17th January, 1959.)

Sl. No. 34 :

REFERENCE :—*Establishment Division Office Memorandum No.* 3/53/58-*SEII, dated the* 17*th January,* 1959.

A question has arisen whether cases of those Government servants who are facing trial in the Courts of Law on criminal

charges, should also be included in the statement mentioned in paragraph 2 of the said Memorandum. The matter has been carefully considered and it has been decided that cases of those Government servants, who are criminally involved, should also be included in the prescribed statements. This will provide an opportunity to Government to watch the progress of such cases so that in cases of extreme hardship, or where circumstances permit Government may consider withdrawing suspension order, even before the case is decided in the Court.

(Establishment Division Office Memorandum No. 3/53/58-SEII, dated the 26th May, 1959.)

Sl. No. 35 :

REFERENCE :—*Establishment Division Office Memorandum No.* 3/53/58-*SEII, dated the* 17*th January*, 1959.

It has been found that some Ministries/Divisions are not sending their quarterly returns regularly and some of them are not sending the particulars of those cases where Government servants have been kept under suspension for more than two months as required under para 3 of the Office Memorandum under reference. The attention of all the Ministries/Divisions is therefore invited to the instructions contained in the aforesaid Office Memorandum particularly to para 3 thereof with the request that the necessary returns and the particulars of the cases, may kindly be sent to this Division regularly without fail.

(Establishment Division Office Memorandum No. 3/53/68-E.V. dated the 24th July, 1961.)

Sl. No. 35*A* :

In a case of disciplinary proceedings against a Classs I Officer the President has observed that the progress of disciplinary cases is very slow and has desired that such cases should be disposed of expeditiously. All Ministries and Divisions are requested to make a note of the President's observation and ensure that all disciplinary cases are disposed of as quickly as possible.

(Establishment Division O. M. No. 1/21/65-CI, dated the 15th July, 1967.)

Promotion of an officer to a higher post during pendency of the disciplinary proceedings :

Sl. No. 35-B :

References are being received in the Estt. Division enquiring whether there is any bar to an officer being considered for promotion to a higher post during the pendency of a departmental proceedings against him. A similar question was examined in the past on a reference from the Home Affairs Division

and it was decided that there is no bar to an officer being considered for promotion to a higher post during the pendency of investigation regarding alleged corruption etc. and all concerned were advised accordingly under this Division O.M. No. 2/10/62-DI, dated 13th February, 1962 (Annexure). This question has been further examined and it has been decided that the instructions contained in the above O.M. should apply *mutatis mutandis* to all types of disciplinary cases. In the cases of departmental proceedings, a copy each of the charge-sheet and the statement of allegations should be put before the Central Selection Board or the Departmental Promotion Committee, as the case may be.

(Establishment Division O.M. No. 2/20/67-DI, dated the 13th Nov, 1967.)

ANNEXURE

* * *

COPY OF ESTABLISHMENT DIVISION O.M. No. 2/10/62-D.I., DATED THE 13TH FEBRUARY, 1962.

Cases of corruption against Government servants are normally investigated by the Special Police Establishment and are registered after preliminary inquiries only when a *prima-facie* case appears to have been made out. A copy of the First Information Report is sent to the Ministry or Department in which the Government servant concerned is serving, by way of intimation of such registration. A question has arisen whether a Government servant against whom a case of corruption has been registered by the Police and is under investigation should be promoted to a higher rank during the pendency of such investigation, if he is otherwise considered suitable and his turn or chance for promotion has come.

2. After a careful consideration of the matter, it has been decided with the concurrence of the Ministry of Home Affairs that in cases where a Government servant against whom a case is under investigation by the S. P. E. is proposed to be promoted, a copy of the F.I.R. should invariably be put up to the Selection Board or the Departmental Promotion Committee as the case may be. It will then be for the Board or the Committee to take cognizance of the report and ask for a progress report, postpone consideration of the case or ignore it.

* * *

Censure, reprimand and warning :

Sl. No. 36 :

From references received, it appears that some authorities are not clear regarding the procedure to be followed when punishment of censure is awarded; and regarding the distinction between 'censure' and 'warning'.

2. Censure is one of the punishments mentioned in rule 49* of the Civil Services (Classification, Control and Appeal) Rules.

....

3. There is essentially no difference between 'censure' and 'reprimand', but as the official term is censure, it seems preferable that normally this term should be used.

4. * * * * *

5. According to rule 56 of the Classification Rules, every person is entitled to appeal against an order of censure; and in the case of all original orders of censure imposed by the Governor-General it is necessary, under Section 266 (3) (*c*) of the Government of India Act, 1935 [now Article 185 (2) (*c*) of the 1962 Constitution] read with Section 5 of the Federal Public Service Commission Consultation Regulations, to consult the Commission. In other words in all original orders of the Governor-General in this matter, the Pakistan Public Service Commission must be consulted in regard to officers of All-Pakistan Services, and Class I and Class II Services.

6. A warning, whether oral or written and whether given *ad-hoc* or in annual confidential report, is not a censure and does not constitute a punishment, provided that is genuinely a warning and not a censure distinguished as such.

(Establishment Division Office Memorandum No. 3/1/52-SEII, dated the 12th April, 1952.)

NOTE.—Verbal changes have been made in the light of the prevailing circumstances.

Grant of leave to Government servants compulsorily retired from service under the G.S. (Efficiency and Discipline) Rules, 1960 :

Sl. No. 37 :

It has been decided that the Government servants compulsorily retired from service under the Government Servants, (Efficiency and Discipline) Rules, 1960, may be granted leave preparatory to retirement under the normal rules. However, each case should be decided on its own merit by the competent authority as defined in Rule 2 (I) of those Rules.

(Establishment Division Office Memorandum No. 4/13/60-SR., dated the 4th October, 1960.)

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*Rule 4(1) of the Efficiency and Discipline Rules, 1960 may be referred to in the present context.

Grant of T.A. to Government servants compulsorily retired from service under the G.S. (E&D) Rules, 1960 :

Sl. No. 37-A :

The President has been pleased to decide that a Government servant who is domiciled in the one zone of Pakistan and is compulsorily retired from service in the other zone under the Government Servants' (Efficiency and Discipline) Rules, 1960 on the ground of inefficiency may, if he had rendered more than 5 years continuous service, at the time of retirement be allowed T.A. as admissible to Government servants on retirement under the provision of the Ministry of Finance Office Memorandum No. 34 (78)-RI(2)/56, dated the 28th September, 1957 (Annexure). This concession is not admissible to those who are compulsorily retired on grounds other than that of inefficiency.

(Ministry of Finance O.M. No. F. 18(3)-R. I/61 dated the 27th March, 1961.)

ANNEXURE

COPY OF THE MINISTRY OF FINANCE O.M. NO. F. 34 (78) R. I(2)/56, DATED THE 28TH SEPTEMBER, 1957.

Sanction of the President is conveyed to the grant of Travelling Allowance on retirement, to Government servants who are domiciled in one zone of Pakistan but retire from service in the other zone, on the following scale :—

(a) (i) Actual tourist class air fare from Karachi/Lahore to Dacca or *vice versa*.

OR

(ii) Actual sea fare of the class to which the officer was entitled immediately before his retirement from Karachi to Chittagong or *vice versa*.

Whichever of the two is cheaper, for the officer himself and for each member of his family as defined in the Supplementary Rules for purposes of Travelling Allowance.

(b) Actual charges for transportation, by sea, of personal effects from Karachi to Chittagong or *vice versa*, as the case may be, not exceeding the maundage which the Government servant was entitled to transport at Government cost on transfer immediately before his retirement and not exceeding *Rs. 20 per maund. *(Pl. *see* note below).

2. Censure is one of the punishments mentioned in rule 49* of the Civil Services (Classification, Control and Appeal) Rules.

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3. There is essentially no difference between 'censure' and 'reprimand', but as the official term is censure, it seems preferable that normally this term should be used.

4. * * * * *

5. According to rule 56 of the Classification Rules, every person is entitled to appeal against an order of censure; and in the case of all original orders of censure imposed by the Governor-General it is necessary, under Section 266 (3) (*c*) of the Government of India Act, 1935 [now Article 185 (2) (*c*) of the 1962 Constitution] read with Section 5 of the Federal Public Service Commission Consultation Regulations, to consult the Commission. In other words in all original orders of the Governor-General in this matter, the Pakistan Public Service Commission must be consulted in regard to officers of All-Pakistan Services, and Class I and Class II Services.

6. A warning, whether oral or written and whether given *ad-hoc* or in annual confidential report, is not a censure and does not constitute a punishment, provided that is genuinely a warning and not a censure distinguished as such.

(Establishment Division Office Memorandum No. 3/1/52-SEII, dated the 12th April, 1952.)

NOTE.—Verbal changes have been made in the light of the prevailing circumstances.

Grant of leave to Government servants compulsorily retired from service under the G.S. (Efficiency and Discipline) Rules, 1960 :

Sl. No. 37 :

It has been decided that the Government servants compulsorily retired from service under the Government Servants, (Efficiency and Discipline) Rules, 1960, may be granted leave preparatory to retirement under the normal rules. However, each case should be decided on its own merit by the competent authority as defined in Rule 2 (I) of those Rules.

(Establishment Division Office Memorandum No. 4/13/60-SR., dated the 4th October, 1960.)

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*Rule 4(1) of the Efficiency and Discipline Rules, 1960 may be referred to in the present context.

Grant of T.A. to Government servants compulsorily retired from service under the G.S. (E&D) Rules, 1960 :

Sl. No. 37-A :

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(a) (i) Actual tourist class air fare from Karachi/Lahore to Dacca or *vice versa*.

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(ii) Actual sea fare of the class to which the officer was entitled immediately before his retirement from Karachi to Chittagong or *vice versa*.

Whichever of the two is cheaper, for the officer himself and for each member of his family as defined in the Supplementary Rules for purposes of Travelling Allowance.

(b) Actual charges for transportation, by sea, of personal effects from Karachi to Chittagong or *vice versa*, as the case may be, not exceeding the maundage which the Government servant was entitled to transport at Government cost on transfer immediately before his retirement and not exceeding *Rs. 20 per maund. *(Pl. *see* note below).

2. The above concession may be availed of during leave preparatory to retirement and within a period of three months after the date of retirement.

3. No travelling allowance in any form shall be allowed for the journey, if any, performed within the zone of posting or the zone of domicile.

*NOTE.—This limit has been raised to Rs. 40 *vide* Ministry of Finance Office Memo. No. 1(16)-R. 2(RWP)/63, dated the 14th September, 1964.

Initiation of proceedings against officers screened and cleared in the past :

Sl. No. 38 :

The President has been pleased to direct that his prior approval must invariably be obtained before any proceedings are initiated against an officer on the same facts on which he was screened and cleared wholly or partially in the past.

(Establishment Secretary's D.O. No. 4/14/60-SR, dated the 18th November, 1960.)

Anti-corruption measures :

Sl. No. 39 :

Government of Pakistan have recently considered certain measures for the elimination of corruption among Government servants and have *inter-alia* decided as follows :—

(*a*) that a Government servant when required by Government to disclose his assets, immovable as well as liquid, must comply ;

(*b*) that a Government servant who indulges in nepotism, favouritism, victimization and wilful abuse of office will be liable to disciplinary action which may include dismissal.

2. It is requested that the above decisions may please be brought to the notice of all Government servants serving under the Government of Pakistan.

(Establishment Division Office Memorandum No. 4/15/53-SEII, dated the 7th July, 1953).

Sl. No. 40 :

It has been decided that all officers should be informed that it is their duty to watch the conduct of their subordinates and to ensure that corruption does not spread among them. Failures to do so would be reflection on their own efficiency.

(Establishment Division Office Memorandum No. 3/35/59-SEII, dated the 4th March, 1959.)

Disposal of corruption cases under the Government Servants' (Efficiency and Discipline) Rules, 1960 :

Sl. No. 41 :

*

........................Omitted........................

(Establishment Division Office Memorandum No. 6/6/61-D.I., dated the 25th September, 1961.)

Sl. No. 42 :

*

........................Omitted........................

*Withdrawn *vide* Estt. Div. O.M. No. 2119/64-D.I. dated the 9th June, 1965.

(Establishment Division Office Memorandum No. 6/6/61-D.I., dated the 15th September, 1962).

Sl. No. 42-A :

Attention is invited to the Home Affairs Division O.M. No. 2/7/63-SP(P) dated the 13th March, 1963 (Annexure) and it is stated that the decision mentioned in paragraph 1 thereof has since been reviewed and it has been decided that all cases of corruption should henceforth be examined in the Home Affairs Division with a view to deciding, on the merits of each case, whether it should be sent up for trial in a court of law or whether departmental action should be taken against the accused in the first instance and the question of prosecution in a court of law decided thereafter.

2. In cases which are to be sent up for trial in a court of law, the sanction for the prosecution of the accused Government servants will be issued by the Home Affairs Division after taking into consideration the explanation of the accused, the recommendation of the Ministry concerned and the opinion of the Ministry of Law, in accordance with the instructions contained in the Ministry of the Interior Circular No. 16/5/49-Police (I), dated the 4th June 1953 (Sl. No. 57). In cases in which departmental action is to be taken in the first instance, the procedure outlined in this Ministry's Office Memorandum No. 2/7/63-SP(P), dated the 13th March 1963 (Annexure), will continue to apply.

(Home Affairs Division O.M. No. 1/4/64-SP(P), dated the 6th June, 1964.)

ANNEXURE

COPY OF HOME AFFAIRS DIVISION O. M. NO. 2/7/63-SP(P), DATED THE 13TH MARCH, 1963.

It has been decided that departmental proceedings should be held in all cases of bribery and corruption against Central Government employees. Thereafter, if the facts of a case justify it the accused should also be prosecuted in a court of law.

In order to give effect to this decision the undermentioned whole-time Inquiry Officers have been appointed under the Home Affairs Division to conduct departmental proceedings in cases involving bribery and corruption :—

Name of Inquiry Officer	Status	Headquarter
1. Mr. M. A. Samad, Joint Secretary (Inquiries)	Joint Secretary	Rawalpindi.
2. Mr. Mohsin Ali Khan, Inquiry Officer.	S. O.	Karachi.
3. Mr. I. Junaid Inquiry Officer ..	S. O.	Rawalpindi.
4. Mr. Abul Hossain, Inquiry Officer ..	S. O.	Dacca.

3. The Joint Secretary (Inquiries) will conduct departmental proceedings in cases against class I Officers below the status of Joint Secretary and the Inquiry Officers against class II gazetted and all non-gazetted Government servants. As for cases involving officers of the status of Joint Secretary and above, departmental proceedings will be conducted by *ad hoc* inquiry Officers.

4. Necessary rules and detailed procedure to be followed in cases under reference are being prepared and will be issued in due course. In the meantime the procedure prescribed in the Govt. Servants' (Efficiency and Discipline) Rules, 1960, will continue to be followed.

5. Cases of bribery and corruption against Central Government employees have from time to time been referred to the Ministries and Divisions concerned for taking departmental action against them. It is requested that these cases may be reviewed by the Ministries etc., with a view to determining whether any of them can conveniently be now entrusted for inquiry to the whole-time Inquiry Officers of this Ministry. A list of all such cases may kindly be prepared and forwarded to this Ministry within a fortnight showing (i) name and designation of the person accused, (ii) the charge against him, (iii) place at which the offence was exactly committed by him, (iv) whether the departmental inquiry against him is being conducted or is proposed to be held (v) if the departmental inquiry has been commenced the stage at which it has reached, and (vi) whether the inquiry can be entrusted to the whole time Inquiry Officer of this Ministry.

6. This O.M. does not relate to cases under trial in courts of law, and which will be decided by them in the usual course.

(As corrected up to 6-6-1964)

Sl. No. 42-B :

The post of whole-time Senior Inquiry Officer in this Division has been converted into the post of Joint Secretary (Inquiries) with effect from the 1st June, 1964.

2. Departmental inquiries under the Government Servants' (Efficiency and Discipline) Rules, 1960, in cases of corruption against Class I officers of the Central Government below the status of Joint Secretary, may henceforth please be entrusted to J. S. (Enquiries) after obtaining the approval of the competent authority *viz* : the President under Rule 8 of those rules.

3. Cases of corruption against Class I officers which have so far been referred to the Ministries/Divisions for processing under Rule 6 of the Government Servants, (Efficiency & Discipline) Rules, 1960, and in which the name of the then Senior Inquiry Officer in this Division, has been suggested for conducting the proceedings under Rule 8 of those rules, may also now be entrusted to Joint Secretary (Inquiries) after obtaining the approval of the competent authority.

[Home Affairs Division O.M. No. 6/47/62-SP(P), dated the 5th June, 1964.]

Holding of preliminary inquiry in cases investigated by the Special Police Establishment :

Sl. No. 42-C :

A question has arisen whether the preliminary inquiry under Rule 6(2) of the Government Servants, (Efficiency and Discipline) Rules, 1960 should or should not be held in cases where investigation has been conducted by the Special Police Establishment.

2. A plain reading of the Rule 6(2) of the G. S. (E. & D.) Rules, 1960, shows that the competent ' authority ' *may* order the holding of a preliminary inquiry *if he thinks fit*. The necessity of holding a preliminary inquiry is to enable the competent authority to decide under Rule 6(3) of the said rules whether a formal inquiry should be held and whether the case calls for a major or a minor penalty. If on the basis of the material before him, it is possible for the ' authority ' to arrive at a decision on these points, he may order a formal inquiry straigh taway. It will therefore, be seen that a preliminary inquiry is not mandatory and that it *should not* therefore, be regarded as an essential prerequisite of a formal inquiry. In the cases reported by the S.P.E., the competent ' authority ' should, therefore, take a close look at the incriminating materials collected by the S.P.E. and if it is felt that there is sufficient evidence to justify the commencement of formal proceedings and if it is possible to decide the nature of the penalty that may be called for if the charges are proved then preliminary inquiry may be dispensed with.

at the discretion of the competent authority. However, if the competent authority is not convinced, he may order a preliminary inquiry even in cases investigated by the S.P.E., before deciding whether a formal inquiry should be held or not.

(Establishment Division O.M. No. 2/22/67-DI, dated the 14th November, 1967.)

Procedure for termination of services of persons under suspension :

Sl. No. 43 :

REFERENCE :—*Establishment Division O.M. No.* 12/11/61-*D.I., dated the* 22*nd December*, 1962 (*Annexure*).

A further question has arisen as to whether it was necessary to recall a suspended temporary Government servant to duty before serving him with the requisite notice of discharge on the ground that his services were no longer required. The point has been further examined in this Division in consultation with Law Division and it has been held that a suspended temporary Govt. servant can be served with service termination notice in accordance with the terms of the appointment during the period of suspension and discharged after the notice period, without requirnig him to resume duty.

2. Utmost precaution should, however, be taken to see that no reason is assigned for the termination except saying that his services are no longer required by the Government.

(Establishment Division O.M. No. 12/11/61-D. I., dated the 18th April, 1963.)

ANNEXURE

COPY OF ESTT. DIV. O.M. NO. 12/11/61-D.I,DT. 22-12-62.

Instances have come to the notice of the Government that there are still a number of cases pending in courts against officials for unusually long periods without departmental proceedings having been ever resorted to. It has also been found that in some cases the accused officials have, while continuing under suspension, been absconding for long and sometimes for years, presumably with intent to frustrate or delay the court proceedings. With a view to meeting such situations it has been decided that whenever such an instance comes to the notice of the Government, the accused official whether permanent or temporary, should be asked by his last known address to report to his official superior/court. If he does not comply with the order, Government should take up the formalities of his dismissal from service on charge of misconduct under the Government Servants, (Efficiency & Discipline) Rules, 1960. *[If he turns up and is a temporary hand, his services should be terminated after serving him with the requisite notice or paying him salary in lieu thereof, without assigning any reasons for the action.]*

2. There may still be cases of temporary Government servants undergoing long-drawn court proceedings even if they

have not absconded. If in any individual case of this nature, the appointing authority considers that irrespective of the outcome of the court proceeding, the accused official should not be allowed to continue any longer on the pay roll of the Government such authority may recall the official to duty and terminate his services after serving him with the requisite notice or paying his salary in lieu thereof without assigning any reasons for the action. *(The course of action discussed in this paragraph should be resorted to unless, of course, there is any direction of the court to the contrary in any particular case.)

3. It is requested that all Ministries/Divisions, etc., may kindly check up the position of their employees involved in court proceedings and deal with the individual cases in the light of the suggestions contained in preceding paragraphs.

**Note* :—This will apply only with regard to temporary employments made on or after the 8th June, 1962.

*(*Authority* :—Establishment Division u.o. No. 1002/66-D.I., dated 13th December, 1966.)

Procedure regarding with-holding/drawal of increments-interpretation of the G.S. (E & D) Rules, 1960 :

Sl. No. 43-A :

A question has arisen as to whether an order withholding the increment of a Government servant as a measure of penalty under rule 4(1) (b) of the Government Servants, (Efficiency and Discipline) Rules, 1960, can be given cumulative effect or not. The matter has been examined in this Division in the context of the relevant rules in consultation with the law Division and the Ministry of Finance. The correct position is explained below :

F. R. 24 has laid down the extent of powers of the Government in regard to the withholding of increments without prescribing any border line between a major and a minor penalty. Rule 4(1) (b) of the Government Servants (Efficiency and Discipline) Rules, 1960, has provided for withholding of increment or stoppage at an efficiency bar for a specified period and this being a minor penalty, any cumulative effect will be against the spirit of a minor penalty and should as such be regarded as out of context. In this connection reference is also invited to clause (d) of sub-rule (1) of rule 4 of the Efficiency and Discipline Rules, which makes reduction to a lower stage in a time scale, a major penalty. It is interesting to further note the Government order below F. R. 25 which makes the powers of the authority in relation to refixation of pay after stoppage at an efficiency bar is lifted, 'subject to the pay admissible according to his length of service.' The withholding of increment or stoppage at efficiency bar being part of more or less the

same process of punishment, the withholding should have effect on the increment or increments ordered to have been stopped, but the future increments should be allowed as admissible according to the length of service in a particular grade or in other words, it should not have any cumulative effect.

If, however, any major penalty affecting the remuneration of a Government servant including the stoppage of increments with cumulative effect, is intended in any individual case, the punishing authority should decide about the quantum of such punishment with reference to the provisions of clause (d) of sub-rule (1) of rule 4 of the Government Servants, (Efficiency and Discipline) Rules, 1960, and not with reference to either clause (b) of that sub-rule or F. R. 24.

(Establishment Division O.M. No. 2/43/62-D. I. dated the 16th February, 1963.)

Sl. No. 43-B :

A reference is invited to the Establishment Division O.M. No. 5/1/48-Ests(SE), dated the 1st January, 1949 (c.f. Sl. No. 7, pages 211—212, Vol. II) and O.M. No. 2/43/63-D.I., dated the 16th February, 1963 and it is stated that a further question has since arisen as to whether the existing provisions of the Governments Servants, (Efficiency and Discipline) Rules, 1960, according to which the withholding of increment (except on account of failure to pass departmental examination in accordance with the terms of appointment or rules or orders pertaining to the service or post) is a penalty—imposable on proved charge after departmental proceeding, should prevail over the provisions of Article 152 of the C.S.R. The point has been examined in this Division in consultation with the Ministry of Finance and the Law Division. The correct position is as explained below.

2. According to the existing Rule 4(1) (b) (i) of the Government Servants, (Efficiency and Discipline) Rules, 1960, withholding of increment (except when it is withheld on account of failure to pass departmental examination in accordance with the terms of appointment or rules or orders pertaining to the service or post) is a penalty which can be imposed by the punishing authority only after the Government servant concerned is departmentally proceeded against on specific charge of unsatisfactory performance or conduct etc. and the charge is proved against him. Otherwise, the increment of pay has to be allowed to the Government servant concerned as a matter of course, inspite of whatever provision might be there to the contrary in Article 152 of the CSR.

(Establishment Division O.M. No. 2/15/63-D.I. dated the 8th August 1963.)

Sl. No. 43-C :

The question whether it is necessary to pass any order in case where an officer's increment is withheld otherwise than as a punishment has been examined in consultation with the Law Division.

2. Government decision cited under F.R. 25 indicates that the cases of all officers held up at the efficiency bar should be reviewed annually with a view to determine whether they were fit at that time to cross the efficiency bar. The process of such annual review will end in a conclusion one way or other. In case an officer is found fit to cross the efficiency bar a specific sanction order will be issued. Similarly, in case an officer is found not fit to cross the bar, a formal order to that effect may also be recorded so as to indicate that his case has been reviewed and he was not found fit to cross the bar. This will also enable the officer to appreciate his position correctly.

(Establishment Division O.M. No. 2/14/65-D.I., dated the 30th July, 1965.)

Sl. No. 43-D :

It has been noted that the G.S. (E&D) Rules, 1960 does not require an authority to specify the period for which any penalty mentioned in Rule 4(1) (d) shall be effective, although according to F.R. 29 it is imperative for him to do so. To resolve this apparent discrepancy between the two rules, it is decided that in imposing a penalty under Rule 4(1) (d) of GS (E&D) Rules, 1960 care should be taken to see that such an imposition is for a specified period and it should be stated whether, on restoration, it shall operate to postpone future increments and if so to what extent in order to make it in conformity with F. R. 29.

(Establishment Division O.M. No. 2/3/65-D.I., dated the 7th August, 1965.)

Interpretation of the term "entailing imprisonment":

Sl. No. 43-E :

There seems to be some confusion as to the precise meaning of the term 'entailing imprisonment' occurring under clause 2(a) of Article 177 of the 1962 Constitution. The aforesaid clause provides that it shall not be necessary to give a Government servant an opportunity to show-cause against dismissal, removal or reduction in rank, in cases where such a penalty is imposed on a ground of conduct which led to his conviction, entailing imprisonment, on a criminal charge.

2. The matter has been examined in this Division in consultation with the Law Division and it has been held that the term 'entailing imprisonment' as referred to above should be interpreted to mean conviction imposing a sentence of imprisonment whether it be substantive imprisonment or imprisonment

in default of fine. There is, therefore, no conflict between sub-rule 6(i) of rule 6 of the Government Servants, (Efficiency and Discipline) Rules, 1960 and Clause 2(a) of Article 177 of the 1962 Constitution on the point in question.

(Establishment Division O.M. No. 2/23/63-D.I., dated the 31st August, 1963.)

Framing of an additional charge during currency of the disciplinary proceedings :

Sl. No. 43-F :

Instances have come to the notice of the Establishment Division that in cases where the main charge of "corruption" or "subversion" was not proved, but there was sufficient evidence to establish the charge of "misconduct" the accused could not be punished because he had not been charged with "misconduct", although the offences of "corruption" and "subversion" are the graver forms of "misconduct". To meet such exigencies it has been decided in consultation with the Law Division that in all suitable cases where an accused is charged with "corruption" or "subversion" an additional charge of "misconduct" may be added to the main charge.

(Establishment Division O.M. No. 2/5/66-D.I., dated the 11th June, 1966.)

Disciplinary proceedings against Government servants belonging to the centralised cadres :

Sl. No. 43-G :

The question as to who should initiate and process cases against the officers belonging to a centralised cadre administered by the Establishment Division has been under consideration. It is observed that although disciplinary cases against C.S.P. and P.S.P. officers are invariably initiated and processed in the Establishment Division irrespective of the Ministry or Division or Government where they are posted, no uniform practice is followed in respect of cases against officers belonging to other centralised cadre administered by the Establishment Division.

2. To do away with all anomalies and confusions in this respect, it is now decided that disciplinary cases against an officer belonging to any centralised cadre such as CSP, GAR, PSP, Section Officers etc., administered by the Establishment Division will henceforth be initiated and processed in the Establishment Division on receipt of reports and recommendations of the Ministry/Division or Government to which they are attached at the time of commission of the alleged offence.

3. It is further decided that the cases which have already been initiated but not yet finalised may be sent to the Establishment Division for taking further necessary action.

(Establishment Division O.M. No. 4/3/65-D., dated., the 17th November, 1965.)

Avoidance of favouritism or nepotism in making ad-hoc **appointments :**

Sl. No. 43-H :

Considerable time often elapses before candidates recommended by the Central Public Service Commisison become available for appointment. Consequently, *ad-hoc* appointments are made pending selection of suitable candidates by the Commission. In this connection it has been brought to the notice of Government that in making such *ad-hoc* appointments, officers in certain Ministries/Departments indulged in favouritism and nepotism. Government view this with concern and it has been decided that suitable disciplinary action should be taken against the delinquent officers.

2. Acts of favouritism or nepotism being prejudicial to good order or service discipline constitute misconduct as defined in the Government Servants' (Efficiency & Discipline) Rules, 1960. It is, therefore, requested that if instances of favouritism or nepotism or irregularity in making *ad-hoc* appointments are brought to notice, the officers responsible should be proceeded against under those Rules. Suitable instructions may also kindly be issued to all officers concerned in your Ministry including Attached Departments and Subordinate Offices.

(Establishment Secretary's d.o. letter No. 2/2/62-D.I., dated the 15th February, 1962.)

SECTION C

MISCELLANEOUS INSTRUCTIONS

Sub-Section C (1)

Maintenance and circulation of list of persons debarred from future employment under Government

Establishment of convention that person debarred from service by a Provincial Government should be regarded as such by the Central Government and vice-versa **:**

Sl. No. 44 :

As all Governments addressed have indicated their willingness to establish a convention with the Central Government and between themselves to the effect that persons debarred from service under one Government will be treated as

such by other Governments, it has been decided to establish the proposed convention with immediate effect.

(Establishment Division letter No. 39/3/48-Estt. (ME)., dated the 2nd August, 1948).

Procedure for the maintenance and circulation of lists of persons debarred from future employment under Government :

Sl. No. 45 :

In order to effect economy in time, labour, and expense and to ensure the systematic preparation and maintenance of the list of debarred persons, it has been decided to centralise the work and to adopt the following procedure for this purpose :—

(*a*) Ministries/Divisions will notify to the Establishment Division particulars of Government employees dismissed and debarred from future employment by them or by any of their Attached Departments or Subordinate Offices ;

(*b*) The Pakistan Public Service Commission will also notify to Establishment Division particulars of all candidates declared by them as unsuitable for Government employment ;

(*c*) Provincial Governments will also notify to the Establishment Division particulars of Government employees debarred by them from future employment, together with particulars of candidates declared by Provincial Public Service Commissions as unsuitable from Government service ;

(*d*) The particulars under (*a*) to (*c*) above will be supplied monthly to the Establishment Division (in the E. M. Form No. 1) so as to reach that Division not later than the 20th of the month concerned ;

(*e*) Establishment Division will prepare a consolidated list, in alphabetical order, once a month and circulate it to the Ministries/Divisions and the Provincial Governments.

[Establishment Division Office Memorandum No. 39/6/48-Estt. (ME), dated the 25th October, 1948).]

Sl. No. 46 :

According to the procedure laid down in the Establishment Division Office Memorandum No. 39/6/48-Ests.(ME), dated the 25th October, 1948, as amended in their Office Memorandum of even number, dated the 2nd June, 1949, Ministries/Divisions, Pakistan Public Service Commission, Provincial Governments and Administrations are required to furnish to the Establish-

ment Division the particulars of Government servants dismissed from service and debarred from future employment under Government, in the form prescribed therein. It is felt that the form in question should be amplified to include the educational qualification and permanent address of the person debarred from Government service. It is requested that in future information in regard to the person debarred from future employment under Government may please be furnished in the revised form (E. M. Form 1).

2. It has been observed in several cases that authorities concerned are not in a position to furnish to the Establishment Division all the necessary particulars of the persons debarred from future employment under Government for the reason that a proper record of their particulars have not been maintained by them. It will be appreciated that unless full particulars of the individuals concerned are included in the consolidated list issued by the Establishment Division, there is a danger of some of these individuals re-joining Government service undetected and thus the very purpose for which these lists are issued will be defeated. Ministries, etc. are, therefore, requested to ensure that full particulars of all Government servants are maintained by them so that necessary particulars are made available to the Establishment Division in case any of them is debarred from future employment under Government.

(Establishment Division Office Memorandum No. 38/6/65-ME, dated the 18th June, 1955.)

Sl. No. 47 :

REFERENCE :—*Establishment Division Office Memorandum No.* 38/6/55-*ME, dated the* 18*th June*, 1955.

NIL reports in respect of persons debarred from future employment under Government need not be sent to the Establishment Division.

(Establishment Division Office Memorandum No. 15/6/59-ME, dated the 5th September, 1959.)

Sl. No. 48 :

Under instructions issued from time to time Ministries are required to supply to the Establishment Division a statement, giving particulars of persons dismissed from service and debarred from future employment under the Government in the prescribed form by the 20th of each month. This statement has to be arranged alphabetically, typed only on one side of the paper and supplied to the Establishment Division in duplicate in a consolidated form.

2. It appears that those instructions are not being followed and these statements are not received in the prescribed form in

accordance with the existing instructions. The last date prescribed for submission of these statements, *e.g.*, 20th of each month is also not being adhered to. The result is that the lists cannot be printed in time.

3. In order to ensure the systematic preparation and maintenance of the lists of debarred personnel, it is requested that the above instructions may kindly be complied with strictly in future.

(Establishment Division Office Memorandum No. 103/10/59-Con., dated the 22nd December, 1959.)

Sub-Section C (2)

Legal proceedings against Government servants and Civil Suits/Writs against Government.

Prosecution of Government servants :

Sl. No. 49 :

As indicated on page 174 of the Administrative Directory the subject, ' Prosecution of Central Government servants and the grant of Central Government's consent of such prosecution' is allotted to the Establishment Division. Accordingly, all Ministries are required to refer such cases to the Establishment Division before prosecutions are launched. The question whether the Establishment Division should continue to be concerned with this matter has been considered, and they are of the view that reference in this matter need not be made to them in future. Ministries and Divisions are accordingly requested to handle all cases in which it is proposed to prosecute a Government servant and issue necessary sanctions for prosecution themselves, except those involving bribery and corruption in which sanction to prosecute in a Court of Law is issued under Section 197 of the Code of Criminal Procedure and Section 5 of the Criminal Law Amendment Act, 1948. Offences of bribery and corruption are enumerated in Schedules I and II of the Criminal Law Amendment Act, 1948. Attention is also invited to rule 30(1)(*iii*) of the Rules of Business, 1950 (Sl. No. 22 of Schedule V of the Rules of Business, 1962) which requires that sanction of the President should be obtained for the prosecution of all Class I Officers. This requirement should be duly kept in view before any prosecution is launched, and the required approval obtained by the Ministries concerned through the Home Affairs Division.

2. In cases of bribery and corruption when sanction to prosecute Government servants is required under Section 197 of the Code of Criminal Procedure and Section 5 of the Criminal Law Amendment Act, 1948, the necessary sanction for prosecution will be given by the Ministry of the Interior (Home Affairs Division, as laid down in para. 9 of the instructions to the Special Police Establishment issued under the Ministry of Interior's

circular Memorandum No. 16/5/41-Police (*ii*), dated the 4th June, 1953. [Reproduced in Sub-Section C(3) below.]

(Establishment Division Office Memorandum No. 4/4/53-SE. II, dated the 17th February, 1954 with necessary verbal changes.)

Note: Please *see* also "disposal of corruption cases under the Efficiency and Discipline Rules, 1960" *vide* Sl. Nos. 41-42 B, above.

Sl. No. 50 : ....Omitted..................

(Home Affairs Div. Notification No. SRO 1122 (K) 61, dated 10th November, 1961.)

Detention of Government servants under the Public Safety Acts :

Sl. No. 51 :

A question has arisen whether an employee of the Central Government who is detained in prison for a period of time under the provisions of the Sind Maintenance of Public Safety Act, 1948 or a similar enactment and is released without any trial loses his service under the Government and whether such a person is entitled to any leave salary or subsistence allowance for the period he remained under detention. As some doubts seemed to exist in the matter, the question has been fully considered in consultation with the Law Division and it has been decided that the following procedure should be adopted to regulate cases of detention in prison and subsequent acquittal or conviction :—

(*i*) As soon as it comes to notice that an employee has been detained in a prison, action should be taken to place him under suspension. The period of the employee's detention *[should be treated as period spent under] committal to prison within the meaning of Article 194 C.S.R. and the pay and allowances during suspension should be regulated under F.R. 53 ;

(*ii*) If the employee is subsequently acquitted honourably he should be reinstated forthwith. He will be entitled to receive full salary for the entire period of his absence from duty under F.R. 54(a) ;

(*iii*) If, on the other hand, the acquittal is not honourable, then the provisions of F.R. 54 (b) will apply ;

(*iv*) If the employee is released from detention without any trial, it is open to the competent authority to take disciplinary action against him if good and sufficient reasons exist from such action. In that case the procedure prescribed in Rule 55 of Civil Services (Classification, Control and Appeal) Rules (now Efficiency and Discipline Rules, 1960) must be observed ;

(*v*) If the employee is convicted, he may be dismissed from service if his retention in service is not desirable. In that case the procedure prescribed in Rule 55 of the Civil Services (Classification, Control and Appeal)

*Replaces original clause " considered as resulting from "

Rules (now Efficiency and Discipline Rules, 1960) need not be observed. He will be entitled to nothing more than the subsistence allowance up to the date of his dismissal from which date the pay and allowance will cease under F. R. 52.

(Establishment Division Office Memorandum No. F./19/11/49-Ests. (SE), dated the 20th December, 1949* as amended *vide* Office Memorandum No. 27/41/52-SEII, dated the 7th December, 1954.)

NOTE—Please see also "Commitals to prison" in Appendix 3, in the Compilation of FR & SR, Vol. II.

Sl. No. 51-A :

A reference is invited to the Establishment Division's O.M. No. F. 19/11/49-Ests (S.E.), dated the 20th December, 1949, and it is stated that a certain amount of confusion has arisen from the words "considered as resulting from" which occur in item (i) of that Office Memorandum. These words, as they stand, are capable of being interpreted as if a person who is detained under the Public Safety Act will be governed by the provisions of Article 194, Civil Service Regulations, as it stands. The position, however, is that Article 194 does not strictly apply to such cases, but the intention is that, when a person is detained under the Public Safety Act, his pay and allowances should, on the analogy of the provisions of Article 194, be regulated as if he were committed to prison. In order to make this intention clear it has been decided that the words "considered as resulting from" referred to above may be replaced by the words "treated as period spent under".

(Establishment Division O. M. No. 27/41/52-SE.II, dated the 7th December, 1954.)

Payments of costs incurred by Government servants in defending themselves in judicial proceedings :

Sl. No. 52 :

Under Section 266 (3) (d) of the Government of India Act, 1935, it was necessary to consult the Federal Public Service Commission in matters relating to re-imbursement of costs incurred by Government servants in defending themselves in legal proceedings and accordingly, after Independence, detailed instructions were issued indicating, *inter alia*, at what stage the Commission were to be consulted in such matters, *vide* this Division Office Memorandum No. 3/15/52-SEII, dated the 10th July, 1952 (Annexure). These in structions continued to operate also under the 1956 Constitution which kept alive the above legal position by its Article 188 (2) (d).

2. With the commencement of the new Constitution, the position in this regard will, however, undergo some change as

consultation with the Central Public Service Commission in respect of matters mentioned above will not be necesary [*vide* Article 185(2) *ibid*]. It is, therefore, requested that the instructions contained in the Office Memorandum referred to above may please be followed subject to this modification that such cases need not be referred to the Commission with effect from the 'commencing day' of the new Constitution.

(Establishment Division Office Memorandum No. 2/16/62-D..I, dated the 29th May, 1962).

ANNEXURE

The question has been raised what the practice should be where applications are received from Government servants asking for the costs of defending criminal or civil proceedings filed against them when the opposite party is (a) a private person, (b) Government.

2. The law on the subject is contained in Section 197 of the Code of Criminal Procedure and in Sections 266 (3) (d) and 271 of the Government of India Act, 1935.

3. As regards proceedings initiated by members of the public against Government servants in respect of an act or acts done by them in their official capacity, there is little difficulty. In a letter issued in 1919, the Government of India in the Finance Department set out the practice in the following terms :

> "For many years, it has been the practice to apply the same principles in all departments. When a Government officer has been accused of committing an offence, or has been sued for damages on the ground of some act done by him in his official capacity, and it appears to the local Government that his conduct was not open to blame, it is usual to employ the Government law officers to defend the case at the expense of Government. When Government is not so satisfied, the practice is to leave the officer to defend himself at his own expense. But if he is subsequently acquitted and his character cleared, Government defrays such reasonable charges as he has incurred in defending himself. The amount which Government should pay is settled on the merits of each case according to circumstances. The justification for this procedure plainly is that had the facts been fully ascertained at the beginning Government would have undertaken his defence".

It is not necessary to amplify the above statement of practice, save to invite the attention of Ministries to the necessity of consulting the Pakistan Public Service Commission before passing orders, as required under Section 266 (3) (d) of the Government of India Act, 1935, and of consulting the Ministries of Law and Finance whether the expenses claimed are reasonable.

4. A more difficult question arises when Government are themselves the prosecutors. Unlike prosecutions launched by members of the public, prosecutions of officials by Government start with a presumption that they have been filed in good faith, after careful consideration and not vexatiously. When a case fails owing to its having remained unproved or the accused being given the benefit of the doubt or on some technicality, Government are under no obligation to pay compensation ; and any general practice of doing so merely because a case had failed in Court would be a waste of Government funds and make the cost of anti-corruption proceedings prohibitive. On the other hand the possibility cannot be excluded that there will occasionally be cases in which there are good reasons to believe that the accused was in fact innocent. In such cases, compensation may and should be paid.

5. The procedure in all cases where application for such compensation is made will be as follows. If the tentative view of the administrative Ministry concerned is that compensation should be paid, they will consult the Ministry of Law both on any legal issue which may arise and on the reasonability of the charges claimed (counsel's fees, etc.). They will then in any case whether or not they favour payment of compensation, foward the file to the Pakistan Public Service Commission, with a concise statement of the case and all relevant papers, for their advice. *On receipt of their advice, they will decide whether or not to pay compensation and, if it is proposed to make any payment, will obtain the concurrence of the Ministry of Finance.

(Establishment Division O.M. No. 31 5/52-SEII, dated the 10th July 1952.)

**Note*:—Attention in this connection is invited to Sl. No. 38(XIX), of Appendix(B) to the Ministry of Finance's O.M. No. F. 1(5)-EI/63, dated the 18th November, 1963 according to which Ministries/Divisions have been delegated full powers to sanction "Law Charges" in consultation with the Ministry of Law.

Removal from service as a result of conviction in a Court of Law :

Sl. No. 53 :

References have been received from time to time from Ministries and Divisions, etc. enquiring whether a Government servant convicted by a Court of Law can be removed or dismissed from service or reduced in rank straightaway or it is necessary to give him a show cause notice before passing final orders in the matter.

2. This question has been given due consideration in the Establishment Division who are of the view that as a general principle if a Government servant is convicted in a Court of Law he does not automatically lose his employment under Government. But if, in the opinion of the authority competent to pass orders of dismissal, removal or reduction in rank grounds which led to his conviction are good and sufficient for imposing any of

these penalties, that authority can pass such an order. If, however, the competent authority considers that a lesser penalty or no penalty at all is called for in the circumstances of the case (such as minor or technical nature) there is no bar to that authority taking a decision accordingly.

3. If it is decided to award the penalty of dismissal, removal or reduction in rank it is not necessary to give a show cause notice to the person concerned *vide* Article 181 (2) proviso (a) of the late Constitution or Rule 55 of the Civil Services (Classification, Control and Appeal) Rules [Article 177 (1) (b) of the 1962 Constitution or Rule 6 of the Efficiency and Discipline Rules, 1960 may be referred to in the present context]. The order of removal, dismissal or reduction can be passed by the competent authority taking into consideration the grounds of conduct which led to the conviction of the person concerned in the Court of Law. The removal, dismissal or reduction in such cases takes effect from the date of orders and not from the date of verdict passed by the Court.

(Establishment Division Office Memorandoum No. 3/24/59-SEI, dated the 21st March, 1959).

Strictures passed by Courts against Government servants:

Sl. No. 54 :

The question whether strictures passed by Courts of Law against a Government servant render him liable to departmental action has been under the consideration of the Establishment Division for some time. It has been held that when a Court passes any strictures against a Government servant, it should not necessarily be assumed that he is guilty of some misconduct or breach of rules or an act of omission or commission. The nature of the action to be taken should be decided after careful consideration of the facts and circumstances of each individual case. If the strictures are such as to merit disciplinary action against the Government servant concerned, he should be dealt with departmentally in the light of the Government Servants' (Efficiency and Discipline) Rules, 1960. No. Government servant should, however, be punished on the basis of the strictures without drawing up necessary proceedings in accordance with the aforesaid rules. An entry may be made in the Character Roll of the Government servant concerned or a copy of the strictures placed therein only when specific orders are passed to that effect by the competent authority. In no other case, strictures should find a place in the Character Roll of the Government servant.

(Establishment Division Office Memorandum No. 3/110/59-E.V., dated the 28th April, 1960).

Payment of arrears of pay to Government servants reinstated as a result of Court decisions :

Sl. No. 55 :

After the promulgation of the Constitution of 1956, writs were issued to Government by the Courts of Law in some cases declaring that the dismissal or removal from service of some officials was null and void and directing the Government to reinstate those officials in service and to grant them all the emoluments and privileges which they would have enjoyed but for such wrongful dismissal or removal.

2. As a result of the above decisions the persons concerned had to be reinstated in Government service retrospectively and arrears of pay and allowances had to be paid in a number of cases such arrears where also paid in similar cases which had not actually gone to the Courts.

3. Subsequently, as a result of an appeal filed in the Supreme Court by the Government, it was ruled that the Government servants cannot sue the Government for arrears of pay and the remedy lay in an application to be made departmentally and not by civil action. This principle was confirmed by the Supreme Court in the case of Nurul Hasan [PLD 1956 SC (PAK) 331]. In view of the changed position, a policy decision was required to be taken as to what should be done in such cases about the payment of arrears etc., keeping in view the fact that claims for arrears were not enforcible in Courts of Law but were to be decided by Government on consideration of equity, etc. The matter has been considered carefully in the Ministry of Finance in consultation with the Establishment Division and the decisions arrived at are contained in the following paragraphs.

4. If as a result of Court's decision, a Government servant is restored to his post, the question whether pay and allowances for the period he was under suspension or was removed from service should be decided on the merit of each case. For this purpose it is suggested that in all cases the Ministry or Department concerned should order a departmental enquiry headed by the representative of the Ministry/Department administratively concerned with their Financial Adviser/Deputy Financial Adviser as a member of the Committee. This Committee should consider whether on the merits of the case, Government would be justified in restoring the official concerned the pay and allowances for the period involved and, if so, whether in full or in part. In coming to a conclusion whether pay and allowances to an individual should or should not be restored, the Committee should keep in view the provisions of F.R. 54.

5. It has further been decided that in cases where the total period involved does not exceed 12 months from the time the individual was suspended or removed from service, the final decision should be taken by the Ministry concerned at the le

of the Secretary and in all other cases the matter should be referred to the Ministry of Finance for prior concurrence.

(Ministry of Finance letter No. F. 9(15)-R.I(RWP)/61, dated the 23rd December, 1961 as amended by letter of same number, dated the 26th April, 1962.)

Writ jurisdiction of High Courts in service matters under the Constitution of 1962 :

Sl. No. 56 :

REFERENCE.—*Article* 98(3) (*b*) *of the new Constitution.*

A Civil Government servant may invoke the Writ jurisdiction of the High Courts only in respect of those terms and conditions of service which are specified in the Constitution.

(Establishment Division Office Memorandum No. 2/67/61-D.I., dated the 22nd May, 1962.)

Sub-Section C (3)

Instructions regarding investigation by the Special Police Establishment in the conduct of cases of bribery and corruption.

Sl. No. 57 :

Note:—The expression "competent authority" wherever it occurs in these instructions means the Ministry of the Interior (Home Affairs Division) in the case of a person who is employed in connection with the affairs of the Central Government and is not removeable from his office save by or with the sanction of the Central Government or some higher authority; and the Provincial Government in the case of a person who is employed in connection with the affairs of a Province and is not removable from his office save byorwith the sanction of the Provincial Government or some higher authority.

1. The Special Police Establishment may start an investigation either on its own initiative or on receipt of a complaint or information, oral or written.

2. When the identity of the complainant is not known, as will happen when the complaint is anonymous or pseudonymous, the Establishment shall not register a case unless they are able to obtain, by the preliminary enquiry, independent corroboration of the allegations made in the complaint.

3. When the identity of the complainant is known, the Establishment shall ascertain from him full facts in support of his allegations and shall, after doing so, proceed in the manner laid down in the succeeding paragraph.

4. If the preliminary enquiry, referred to in paragraphs 2 and 3 above, shows that there is reason to suspect the commission of an offence which the Establishment is empowered to investigate, the Establishment shall at once send a brief statement of the case to the competent authority and seek its concurrence to the registration of the case. On receipt of this concurrence, the Ministry or Department under which the Government servant concerned is serving shall be informed of the registration of the case.

Provided that a reference to the competent authority shall not be necessary in the case of those Government servants who are not governed by Section 197 of the Code of Criminal Procedure :

Provided further that the Establishment may register a case against any Government servant at once, if, for reasons to be recorded, it considers that delay in investigation will, or is likely to, result in the disappearance of, or in tampering with, the evidence or in immediate loss to Government. When registration is effected without prior reference, under this proviso, a report of the action taken along with reasons therefor shall be forwarded by the Establishment at the earliest opportunity to the competent authority.

5. Before the registration of a case, all inquiries shall be secret as far as possible. After a case has been registered, investigation shall proceed with care and discretion and no undue publicity shall be given to it. Special care shall be taken to ensure that no unnecessary damage is caused to the prestige, reputation and dignity of the Government servant involved in the case.

6. At the close of investigation into cases for which sanction for prosecution is required under Section 197 of the Code of Criminal Procedure or under Sub-section (5) of Section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958), the Establishment shall submit to the Ministry of the Interior, in the case of Central Government servants, and to the Chief Secretary to the Provincial Government, in the case of Provincial Government servants, full facts of the case, the opinion of the legal adviser, the draft sanction order, a charge-sheet and a brief statement of allegations to be supplied to the accused Government servant.

7. In all cases referred to the Ministry of the Interior under paragraph 6, the Ministry of the Interior shall communicate the facts of the case to the Ministry or Provincial Government under whom the Government servant concerned is employed and that Ministry or Government shall supply to the Government servant concerned a copy of the charge-sheet and the brief statement of allegations furnished by the Establishment, and give him an opportunity to submit within 15 days of its receipt a statement in writing to show cause why he should not be prosecuted in a Court of Law or otherwise proceeded against.

Provided that the giving of an opportunity to the Government servant concerned to submit a statement in writing shall, in no case, be in the nature of a departmental inquiry or proceeding. The intention is that his statement should be on record when taking a final decision before according sanction for prosecution.

8. The Ministry or Provincial Government concerned to whom a reference is made under paragraph 7, shall communicate their recommendations along with the statement of the Government servant concerned to the Ministry of the Interior within one month of its receipt.

9. If it is decided to prosecute the Government servant in a Court of Law, the sanction for prosecution under Section 197 Criminal Procedure Code or Sub-section (5) of Section 6 of the Pakistan Criminal Law Amendment Act, 1958, as the case may be, shall issue forthwith in the manner following :—

(*a*) In the case of Government servants removable from office by or with the sanction of Central Government or some higher authority serving under the Central or Provincial Governments, by the Ministry of the Interior ;

(*b*) In the case of Government servants removable from office by or with the sanction of a Provincial Government some higher authority by the Provincial Government concerned.

(*c*) * * * *

10. If it is decided to take departmental action against the Government servant, the necessary action shall be taken by the authority under whom the Government servant is serving. The Establishment shall supply to the Ministry or the Department or the Provincial Government under which the Government servant concerned is employed, all the material required for the departmental enquiry. The Ministry or the Department or the Provincial Government, as the case may be, shall intimate the result of the enquiry to the Ministry of the Interior and to the Establishment.

11. In cases where departmental action is taken, the Ministry of the Interior may call for the records of the departmental proceedings.

12. When sanction for prosecution is issued, the Government servant concerned shall be placed under suspension, unless this action has been taken at an earlier stage.

[Home Affairs Division Notification No. 16/5/49-Police (I), dated the 4th June, 1953 as amended up to 31st December, 1958.]

Note :—All references to the Ministry of Interior shall, in the above context, mean references to the Home Affairs Division.

Appeals against decisions of lower Court in case of bribery and corruption :

Sl. No. 58 :

A suggestion was made that the Home Affairs Division should consult the administrative Ministry concerned before filing an appeal against the acquittal of a Government servant in cases of corruption. The position in this regard is that decisions to prefer appeals largely rest on legal consideration and are taken on the advice of the Ministry of Law. The judgments of the Courts are invariably lengthy and are received in this Ministry several weeks after the date of pronouncement as their detailed examination by the Law officers of the Special Police Establishment requires good deal of study and time. Moreover, copies of only such judgments are received in this Ministry in which the Special Police Establishment consider that an appeal against acquittal is called for. The time limit for filing appeals against the judgments of the lower Courts is 6 months. Thus if consultation with the administrative Ministries concerned were made imperative in such cases, it will not only add to paper work but will also delay matters. Their advice, is, however, most welcome and if received in time will certainly be considered. It will, however, be for the administrative Ministries concerned to keep track of the cases and tender the advice on their own without any request for it from this Ministry. This will be possible because whenever a Government servant is acquitted by a Court, he is bound to apply, to the administrative Ministry concerned along with a copy of the judgment of the Court for his reinstatement. In fact, in this way the administrative Ministries come to know about the acquittal of their employees much before than the information is received by this Ministry. There will, therefore, be no difficulty for them in communicating their views in such cases, in case they wish that these should be taken into consideration before deciding the question of filing appeal. Whenever a decision is taken to file appeal in a case, this Ministry will let the Ministry concerned know about it.

[Home Affairs Division Office Memorandum No. 1/1/61-Police-II(2) dated the 13th June, 1961.]

CHAPTER VIII

CONFIDENTIAL REPORTS/CHARACTER ROLLS OF OFFICERS AND STAFF

CONTENTS

CONFIDENTIAL REPORTS/CHARACTER ROLLS OF OFFICERS AND STAFF

INTRODUCTION

Detailed instructions regarding preparation, maintenance and communication of Confidential Reports on Officers and Staff were issued for the first time after Independence *vide* Establishment Division Office Memorandum No. F. 5/3/48-Ests(SE), dated the 1st August, 1949, (Sl. No. 1). After some years of experience it was realised that the forms prescribed for writing of Confidential Reports in general and on officers in particular were not quite so comprehensive as to reflect an accurate assessment of an officer's qualities and his performance. A revised Confidential Report Form on officers* (E.M. Form 2) was introduced *vide* Establishment Division (O. & M. Wing) Office Memorandum No. 126/1/10-EOM, dated the 20th November, 1963. (Sl. No. 3).

2. The Confidential Report Forms for the various categories of staff as prescribed under the Establishment Division Office Memorandum of 1st August, 1949 and instructions contained therein still continue to apply to them.

**Note* :—(1) CR Form of Officers has been standardised by the D.C.S. & F. as S. 121A.

SECTION A

GENERAL INSTRUCTIONS REGARDING PREPARATION, COMMUNICATION AND MAINTENANCE OF CONFIDENTIAL REPORTS.

Sub-Section A(1)

Method of preparation, communication and maintenance of Confidential Reports on officers and staff.

Confidential Reports on staff :

Sl. No. 1 :

From time to time enquiries are made, both formally and informally, regarding the forms, if any, prescribed for Confidential Reports. After an examination of the various forms at present in use, it has been decided that the attached Forms S. 121A to E (EM Forms 3, 4 and 5) will be the most suitable in so far as the staff in the Secretariat and Attached Departments are concerned.

2. In addition to the general instructions regarding the preparation of the reports contained in this Memorandum, special instructions relating to the particular forms are given on each form.

3. No departure should be made from the headings in the standard forms that have been prescribed. In cases, however,

where, considering the special nature of the duties entrusted to staff, it is necessary to bring out any "special" qualities in the Confidential Reports, suitable additions may be made to the "listed" headings in the form.

4. *Communication of adverse remarks.*—The question of the communication to subordinate officials in Civil employ of such unfavourable remarks as may be made in regard to them by their superiors at the time of annual reports or on other occasions has been under consideration for some time. This is a matter of great importance both in the interests of the efficiency of administration and of the officers of Government themselves and it is necessary that it should be dealt with on uniform lines. While it may not be considered desirable to lay down any hard and fast rules in this matter, there should be no difficulty in giving general effect to the broad principles that should appropriately govern it.

The following principles are laid down for guidance :—

(i) When a report is built up on the individual opinions of different departmental superiors in gradation it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication ;

(ii) As a general rule in no case should an official be kept in total ignorance for any length of time that his superiors after sufficient experience of his work are dissatisfied with him ; in cases where a warning might eradicate or help to eradicate a particular fault, the advantages of prompt communication are obvious ; where criticism is proposed to be withheld, the final authority to consider the report should record instructions, with reasons, according to the nature of the defects discussed, as to the period for which communication is to be kept back ;

(iii) " Remediable " adverse remarks should be communicated to the official concerned, mainly to enable the official to make efforts for improvement. The reporting officer should be able to make distinction between " remediable " and " irremediable " defects ;

(iv) The reporting officer should specifically state whether the defects reported have been already brought in another connection to the notice of the officer concerned ;

(v) Remarks in cases where the head of a Department or other officer suspends judgment should not be communicated ;

(vi) Great attention should be paid to the manner and method of communication in order to ensure that the advice given and the warning or the censure administered, having regard to the temperament of the official

concerned may be most beneficial to him. The adverse remarks may be communicated in writing or verbally. In the latter case, the fact communicated should be recorded on the Confidential Report and if the official so requests, the remarks should be given in writing. The adverse remarks should be communicated by the Heads of offices.

(vii) The effect of the communication of adverse entries should be carefully watched and the reporting officer should, when drawing up a report in the next year, state whether the official reported on has or has not taken steps to remedy the defects to which his attention has been drawn in a previous year. Such remarks should also be communicated to him, so that he may know that his efforts to improve have not passed unnoticed. The method of communication in either case should be the same.

5. Copies of the letters communicating adverse remarks and subsequent communications referred to in paragraph 4 above, should also be kept in the official's *Character Roll and brought to the notice of the reporting officers at the time when reports are due to be written.

6. *Preparation of Confidential Reports.*—The reports should be prepared annually at the close of each calendar year ; also on the departure of the $\frac{\text{Government servants}}{\text{reporting officer}}$ concerned on transfer, if this occurs more than three months after the annual report has been recorded. (*For further instructions please see Sl. No. 1-A*).

7. The preparation of Confidential Reports is an important and responsible duty and the manner in which Confidential Reports are written will be taken into account in judging the qualities of the reporting officer. The opinions which are expressed should represent the result of careful consideration, so that, if called upon, the reporting officer could justify his opinions.

8. Reports should be rendered without reference to previous reports by other reporting officers and neither reporting nor countersigning officer should pass to another officer any notes or copies of his reports which he may have made.

Although the reporting officers should write the Confidential reports initially without referernce to the previous reports to facilitate unbiased judgment, they may afterwards consult previous reports ; particularly to ensure whether any additional comments are required on points previously reported on.

9. Except to the extent mentioned in paragraph 4 above the contents of the reports will not be divulged to the Government servant concerned.

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*Substitued *vide* Estt. Div., O.M. No. 6/1/66-A-II, dated the 9th September 1966.

10. *Custody of Confidential Reports.*—The reports will be kept in the safe custody of the next higher officer in charge of administration. In no case should an official have access to his own reports.

[Establishment Division Office Memorandum No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949.]

Extension of certain instructions Governing character rolls of gazetted officers to non-gazetted staff and Superintendents :

Sl. No. 1-A.

In order to ensure uniformity in the procedure of preparation, custody etc. of the C. Rs. in all cases of officers and other staff, it has been decided that the basic rules from A-2 to D-5 printed on page 4 of the confindential report form of Class I and Class II officers (Form S-121-A) and the provisions of the following Office Memoranda shall also henceforth be applicable in cases of non-gazetted staff and Superintendents :—

(1) Last sentence of para 6 of O.M. No. 8/4/59-EOM, dated 16-1-1960	(Annexure)
(2) No. 3/3/60(C), dated 10-6-1960 ..	(Sl. No. 4)
(3) No. 1/8/60(C), dated 9-2-1961	(Sl. No. 19)
(4) No. 6/14/61-(C), dated 7-8-1961 ..	(Sl. No. 24)
(5) No. 6/16/61-A. II, dated 20-1-1962 ..	(Sl. No. 6)
(6) Para 5 of O.M., No. 2/17/61-A.IV dated 31-10-1961	(Sl. No. 28)
(7) No. 6/5/66-A., II dated 14-9-1966	(Sl. No. 30)
(8) No. 4/3/66-A., II dated 7-1-1967	(Sl. No. 9C)
(9) No. 6-1-67-A., II dated 20-2-1967	(Sl. No. 3-B).
(10) No. 126/1/27-O&M, dated 12-7-1967 ..	(Sl. No. 9-D).

2. O & M Wing of the Establishment Division are taking necessary action to get the rules A-2 to D-5 printed on the standard forms for confidential reports of non-gazetted staff and Superintendents.

(Establishment Division O.M. No. 6/6/66-A II, dated the 4th November 1957.)

Annexure

Copy of para 6 of the Establishment Division (O & M Wing) O.M. No. 8/4/59-EOM, dated the 16th January, 1960.

** ** **

"6. To eliminate the risk of loss of confidential reports and to provide for the safe custody of the dossiers containing the confidential reports, it has been decided that every confidential

report should be written in duplicate and in the case of all Class I Officers one copy should be sent to the Establishment Division even if that Division is not concerned with the Services to which the officer concerned belongs. A special Secret Section is being created in the Establishment Division :—

(*a*) to keep duplicate dossiers of confidential reports of all Class I Officers and to make available for use in case any dossier containing original reports is lost or misplaced ;

(*b*) to remind Ministries/Divisions/Departments periodically that confidential reports of their officers should be written well in time and placed in the relevant dossier.

(*c*) to draw the attention of Ministries and Divisions to the desirability of prompt decisions on representations made against adverse remarks.

In the case of Class II Officers, duplicate dossiers should be maintained in the respective Ministries."

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Revision of Confidential Reports of ministerial staff :

Sl. No. 2:

The Confidential Report Forms in respect of Superintendents, Assistants, Clerks, Stenographers and Steno-Typists are being revised in the light of their duties and responsibilities following the organizational and procedural improvements recently introduced in the Secretariat. Meanwhile, it has been decided that their Confidential Reports for the year ending 31st December, 1959 and/or subsequent period should be written on existing prescribed forms.

(Establishment Division Office Memoranda Nos. 8/1/60-EOM, dated the 9th March, 1960 and 1/20/60-EOM, dated the 16th December, 1961).

Revised Confidential Report Form of Officers ;

Sl. No. 3 :

A revised form for confidential report on officers was introduced in January, 1960 *vide* Establishment Division Office Memorandum No. 8/4/59-EOM, dated the 16th January, 1960. A number of comments on that form were received in the Establishment Division (O. & M. Wing) from the various Ministries/ Departments and one of the Provincial Governments. Keeping all these in view, a new merit rating form has been designed (S.121A(I) (EM Form 2). The salient features of the new form are :—

(1) The number of basic qualities to be reported upon have been reduced from 19 to 12.

(2) Blank spaces have been provided for additional entry headings to be inserted where necessary, by Ministries/ Provincial Governments for report on "special" qualities required of officers belonging to specialised services or employed on special type of work.

(3) Each quality has been divided into five sub-headings instead of three, existing at present.

(4) The sub-headings of a quality have been replaced by categories AI, A, B, C and D to provide for a more realistic and exact assessment.

(5) All columns for assessment have been brought on to two pages opposite each other as against four pages in the existing form.

(6) The more important instructions for writing and maintaining confidential reports have been printed on the form itself so as to make them handy for all concerned.

2. The advantages of the new design are that the form can be used universally for generalist as well as specialist or technical officers. The increase in the number of sub-divisions of a quality and the elimination of descriptive sub-headings will provide more flexibility for an accurate assessment. The detailed as well as overall assessment can be seen at a glance without having to turn over pages.

3. The instructions printed on the back of the form also include some new instructions regarding countersignature, communication of adverse remarks and treatment of representations against those remarks. An additional column has also been provided on the folder [form S. 121 A(I)], with heading "Whether adverse remarks have been communicated to the officer concerned" and the existing heading of the "Remarks" column has been changed as "Remarks, such as representation not filed, accepted, rejected, partly accepted, as the case may be. "A specimen of the revised folder is at Appendix-II.

4. Copies of the revised confidential report form and the folder are being printed in 'S' series and can be obtained from the Deputy Controller of Stationery and Forms, Karachi/Dacca. Confidential reports on officers for the year ending 31st December, 1963 and for subsequent years should be written in the revised form and the instructions printed thereon strictly followed.

(Establishment Division, O&M Wing, O.M. No. 126/1/10-EOM, dated the 20th November, 1963).

Note.—Please also *see* instructions reproduced under Sl. No. 1A.

Maintenance of "Katcha" registers by reporting officers :

Sl. No. 3-A.

It has been felt that officers while writing up annual confidential reports generally find it difficult to assess the performance of their subordinates during the year to present a true picture in the report. The reports thus written are generally based on vague impressions. In order to make reports more realistic, it has been decided that a "Katcha" register should be maintained by every reporting officer for keeping rough notes relating to the work of the subordinates including cases of outstanding,

good or poor work. Another advantage of this register will be that the officer concerned will be able to comment on the representations against adverse remarks and quote instances of poor work.

2. A proforma of this register is given below. The register will not be a permanent record but will be destroyed as soon as it has outlived its utility.

Page No...............

Name of Officer......................

Date..........................

Remarks

(Establishment Division O.M. No. 6/4/64-A.II, dated the 30th June, 1964).

Bar against

Bar against writing of Confidential Reports at the time of transfer of Countersigning officer :

Sl. No. 3-B :

The question whether annual confidential reports should be written at the time of the transfer of a countersigning officer has been considered in the Establishment Division. It has been decided that it is not necessary to write a report on the officers in the event of transfer of the countersigning officer.

(Establishment Division O.M. No. 6/1/67-A. II. dated the 20th February, 1967.)

Expenditure on photographs required for Character Rolls.

Sl. No. 4:

2. A question has been raised as to who should bear the cost of photographs namely the Government or the individual officer. The matter has been considered in the Establishment Division and it has been decided that as in the case of Security Passes (Identity Cards), the Ministries-/Division/Provincial Governments should arrange for the photographs of the individual officers for the Confidential Reports.

3. It may be made clear in this connection that the Ministries/Divisions should arrange for the photographs of the officers but in no case should they reimburse the cost of the photographs claimed by individual officers. In other words the individual officers reported upon should not be allowed to arrange for their own photos and then claim reimbursement of the cost from Government.

(Establishment Division O.M. No. 3/3/60-C, dated the 10th June, 1960.)

Maintenance of Character Rolls of Class I Officers :

Sl. No. 5 :

The existing orders require that one copy of annual Confidential Report on Class I Officers should be sent to the Establishment Division. It has been noticed that Ministries/Divisions have in certain cases forwarded both copies of the Confidential Reports to the Establishment Division. According to the instructions contained in the Establishment Division Office Memorandum No. 9(3)/52-SE. III, dated the 11th August, 1952 (Annexure) both copies of the annual Confidential Reports on officers belonging to C.S.P. and G.A.R. serving at the Centre are required to be sent to the Establishment Division. With regard to the others, the following procedure may kindly be followed :—

(*a*) *Section Officers other than C.S.P., G.A.R. and Provincial Civil Service Officers.*—The original copy of annual Confidential Report should be sent to the Establishment Division and the duplicate kept by the Ministry/Division concerned.

(*b*) *Officers belonging to Provincial Civil Services, serving at the Centre.*—One copy of the report may be sent to the Establishment Division and the other to the Provincial Government concerned as already laid down in para. 4 of Establishment Division letter No. 5/3/48-SEI, dated the 9th June, 1951 (*now para 3 of Sl. No. 7*).

(*c*) *All remaining Class I Officers serving in the Central Secretariat, Attached and Subordinate Offices.*—One copy of report should be sent to the Establishment Division and the other maintained by the authority administratively concerned.

(Establishment Division Office Memorandum No. 1/38/61-A.II, dated the 16th January, 1962.)

ANNEXURE (For information)

REFERENCE.—*Establishment Secretary's letter No. 5/3/48-SEI, dated the 9th June and 28th August, 1951 regarding the duplication of Character Rolls.*

2. The objective is for each C.S.P. Officer and G.A.R. Officer to have two exactly similar Character Rolls and two only, one, the original, will remain with the Establishment Secretary and the other, the duplicate, will, so to speak, move with the officer wherever he is posted. It should be noted that in some cases copies of Character Rolls sent by Provinces to the Establishment Division are now being treated as original in order to reduce unnecessary further movement of the Character Rolls.

3. All Character Rolls in the custody of the Establishment Secretary have been carefully examined and placed in new file covers. As regards duplication an opportunity recently occurred

to have photostatic copies made of these Character Rolls and, although Provinces have been able to prepare a number of duplicates, it was felt that this opportunity should not be missed. The process is rapid, the security arrangements are affective and the resulting negative photographs are satisfactory. It is hoped that duplicates of all Character Rolls at present in the Establishment Division will be ready in the near future. These duplicates, all of which, it should be noted, are not photostatic copies, will be sent as soon as possible.

(Establishment Division letter No. 9/3/52-SEIII, dated the 11th August, 1952.)

Sl. No. 5-A :

REFERENCE.—*Establishment Division O.M. No.* 1/38/61-*A-II, dated the* 16*th January*, 1962.

Enquiries from Ministries/Offices, particularly about the maintenance of character rolls of the officers belonging to P.A. & A.S., P.R.A.S., P.M.A.S., P.T.S. and P.C. & E.S.—both pool and non-pool officers, have necessitated further clarifications of the O.M. referred to above. The annual confidential reports of the officers will be written, maintained and passed on as specified below :—

Service	Pool officers		Non-Pool officers	
	Original Ch. Roll	Duplicate C.R.	Original C.R.	Duplicate C.R.
PA&AS PRAS	Establishment Division.	*Establishment Division.	Comptroller and Auditor General of Pakistan.	Establishment Division.
PMAS	Do.	*Establishment Division.	Financial Adviser, Military Finance.	Do.
PTS & PC&ES	Do.	*Establishment Division.	C.B.R.	Do.

(Establishment Division O.M. No. 6/1/64-AII, dated the 10th September 1964 *as amended *vide* O.M. of same number, dated the 6th July, 1965).

Sl. No. 5-B :

According to the Establishment Division O. M. No. 6/1/64-A II, dated the 10th September, 1964 duplicate copies of the character rolls in respect on non-C.S.P. Pool Officers were to be kept by the Heads of Departments administratively concerned. As several non-C.S.P. Pool Officers are holding ranks higher than the Heads of Departments, who maintain their character rolls, this arrangement has been considered as anomalous. Having

considered all other aspects of the problem, it has been decided that the duplicate character rolls of non-C.S.P. Pool Officers should be maintained in the Establishment Division together with their originals.

2. The Ministry of Finance, etc. are therefore requested to send the duplicate character rolls of non-C.S.P. Pool Officers to the Establishment Division. Their duplicate annual confidential reports may also, in future, be furnished to this Division along with the original ones.

(Establishment Division O.M. No. 6/1/64-A-II, dated the 6th July, 1965).

Use of typewriter in preparation of the Reports :

Sl. No. 6 :

According to the existing orders the Confidential Reports on Gazetted officers should be written in duplicate. The Confidential Reports (both original and duplicate) are normally required to be written in the reporting officer's own hand. It has now been decided that while the reporting officer must continue to initial the relevant boxes in both original and the duplicate copies of the reports, the views expressed under pen picture may be typed and signed by the reporting officer.

(Establishment Division Office Memorandum No. 6/16/61-AII, dated the 20th January, 1962 with verbal changes.)

Communication of adverse remarks :

Sl. No. 7 :

The Establishment Division have been concerned to see how frequently the rules regarding the Confidential Reports are broken. These reports are of extreme importance and, with a centralised C.S.P. Cadre and a number of officers recruited as G.A.R. Officers on whom complete and accurate reports are greatly needed by the Selection Board, it is increasingly important that reports should be carefully and punctually written up. For this purpose, the procedure which is intended to work in practice is as indicated below :

(*a*) One copy of every C.S.P. Officer's Character Roll (kept up-to-date by the addition of duplicate copies of Confidential Reports received from the Provincial Governments and the Central Ministries from time to time) must always be available with the Establishment Secretary ;

(*b*) If an officer is transferred from a Province to the Centre, the Provincial Government will transfer his Character Roll to the Central Government ;

(*c*) If an officer is deputed from the Centre to a Province, a copy of the Character Roll with the Establishment Secretary will be sent to the Province to which the officer is deputed ;

(*d*) If an officer is transferred from one Province to another (under the orders of the Central Government), the Provincial Government under whom the officer was serving before transfer will send his Character Roll to the other Provincial Government direct ;

(*e*) It will thus not be necessary for any Provincial Government to continue to " maintain " the Character Roll of any officer after he has been transferred from the Province either to the Centre or to another Province.

2. *Communication of adverse remarks to C.S.P., G.A.R. and other Class I Officers.*—Attention is also drawn to the following faults which (in addition to unpunctuality in reporting) have come frequently to notice :—

(a) *Failure to communicate adverse remarks.*—The procedure briefly should be :—

*(*i*) " remediable " adverse remarks should be communicated to the officers reported upon ;

*(*ii*) adverse remarks may be communicated in writing or verbally ;

*(*iii*) the fact of communication must be recorded on the Confidential Report ;

(*iv*) adverse remarks should be communicated by the Head of Department in the case of Class I officers and by Heads of Offices in other cases ;

*(*v*) copies of the letters communicating adverse entries should also be kept in the officers' Character Rolls.

In too many cases it has been noticed that there is no remark to show whether any such communication has or has not been made. In the absence of such a remark one must presume that this has not been done. If, later, it is proposed to pass the officer over or to take other action on the basis of such reports, he will be entitled to complain and the Pakistan Public Service Commission will fully uphold him that he has not been told of this fault.

(b) *Inadequacy of narrative portion* :

(*i*) the " narrative " portion of the report is often not filled up at all or in quite inadequate detail ;

(*ii*) Many reports have been received which have not even been seen by the senior officer higher than the reporting

*Please *see* note below Sl. No. 9., O.M. No. 6/1/66-AII, dated 9th September 1966.

officer. This is clearly undesirable ; they should always be countersigned by him in token that he accepts the report, if he does ;

(*iii*) there is too much reason to believe that some Ministries do not take sufficient care to preserve the secrecy of these reports. Some have reached this Secretariat under covering notes signed by very junior officers. The most scrupulous care is taken here in regard to their secrecy and it is requested that the reports should be kept in the personal custody of senior officers.

3. The procedure outlined in para. 2 above should equally apply in the case of P.C.S. Officers serving at the Centre ; it is obviously desirable that the Provincial Governments should be informed each year of their progress. This should be done direct by the Ministry concerned, a note being made on the original report that this has been done. (*Pl. see also Sl. No. 5*)

(Establishment Secretary's letter No. 5/3/48-SE.I, dated the 9th June, 1951 and 28th August, 1951.)

Sl. No. 8 :

Attention is invited to instructions about communicating adverse remarks in Confidential Reports contained in :—

(*i*) Paragraph 4 of Establishment Division Office Memorandum, dated the 1st August, 1949 (*Sl. No. 1*); and

(*ii*) Paragraph 3 of Establishment Secretary's *d.o.* letter, dated the 9th June, 1951 (*para 2 of Sl. No. 7*).

Both numbered F. 5/3/48-SEI.

*2. Too many reports are still being received which do not show categorically whether or not the *adverse remarks have been communicated. To ensure that this is always done where necessary, the following procedure should be adopted so far as C.S.P. and G.A.R. Officers are concerned :—

(*i*) The final authority to consider the report should record on all the copies of the Confidential Report concerned whether the adverse remarks should or should not be communicated ; and if not, why not ?

†(*ii*) [*Omitted*] ;

(*iii*) If the remarks are communicated verbally, the fact should be recorded by the officer who communicates the remarks on all copies of the Confidential Report.

3. The same principles should also be followed in Confidential Reports on officers of other services, copies of which are not sent to the Establishment Secretary.

*Please *see* note below Sl. No. 9.

†(Estt. Div. u.o. No. 6/6/66-A.II, dated the 21st October 1966.)

4. The Pakistan Public Service Commission have frequently drawn attention to this, and if the report does not show clearly whether or not an adverse report has been communicated, there is danger of the matter falling between two stools and being overlooked.

(Establishment Secretary's letter No. 5/3/48-SEI, dated the 14th June, 1952.)

Sl. No. 9 :

It has come to the notice of the Government in connection with screening of Government servants that instructions issued by the Establishment Division from time to time, *vide* that Division's Office Memoranda quoted in margin, in regard to the communication of " remediable " adverse remarks in the Confidential Report of Government servants are not being followed strictly. While this omission is obviously unfair to the Government servants reported on adversely, it is considered harmful to the interests of Government to hold back from their employees information which would enable them to try to better themselves for their jobs.

1. No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949 (Sl. No. 1).
2. No. 5/3/48-SEI, dated the 9th June, 1951 (Sl. No. 7).
3. No. 5/3/48-SE. I, dated the 12th September, 1951 (Sl. No. 11).
4. No. 5/3/48-SE. I, dated the 14th June, 1952 (Sl. No. 8).

2. It is, therefore, requested that directions may kindly be issued to all concerned to ensure that remediable adverse remarks occurring in the annual Confidential Reports of Government employees are invariably conveyed to them in future in accordance with the existing instructions.

(Establishment Secretary's d.o. letter No. 12/1/59-Con., dated the 18th April, 1959.)

Note.—Instructions reproduced under Sl. Nos. 7-9, above, require that only "remediable" adverse remarks in confidential Reports should be communicated to the Official concerned. Under the latest instructions (printed on officers CR form) all adverse remarks whether "remediable" or irremediable are to be commnicated in writing to the officer reported upon.

Sl. No. 9-A :

A reference is invited to paragraph 4(vii) of the Establishment Division Office Memorandum No. F.5/3/48-Ests(SE), dated the 1st August, 1949 which lays down that

> " the effect of the communication of adverse entries should be carefully watched and the reporting officer should, when drawing up a report in the next year, state whether the officer reported on has or has not taken steps to remedy defects to which his attention has been drawn in a previous year. Such remarks should also be communicated to him, so that he may know that his efforts to improve have not passed un-noticed. The method of communication in either case should be the same ".

2. It has been observed that whenever any adverse remarks are communicated to any officer, no mention is made in the next year's report whether the officer concerned has or has not taken steps to remedy defects. This defeats the very purpose for which the system of communicating adverse remarks had been introduced.

3. Attention of all Ministries/Divisions is therefore invited to the above-mentioned instructions and it is requested that the necessity of observing these instructions may be impressed on all the reporting officers for future guidance.

(Establishment Division O.M. No. 1/1/63-A.II, dated the 3rd October, 1963).

Communication of adverse remarks to Probationers :

Sl. No. 9-B :

So far the practice has been that the adverse remarks recorded by the Directors of the Academies/Institutions in the evaluation reports of the Probationers were not communicated to them. Government have now decided that in order to enable the officers (Probationers) at the initial stage of their career to remove the defects noticed in them by the Directors of Academies/Institutions, the adverse remarks, if any, recorded in these reports should be communicated to the Probationers concerned.

(Establishment Division O.M. No. 2/4/66-A.II, dated the 9th January, 1967).

Procedure for dealing with representations against adverse remarks :

Sl. No. 9-C :

The Establishment Division have been considering for sometime the question whether it is necessary to call for the comments of the Reporting/Countersigning officers on representations against adverse remarks made by them, if in the meantime, they have either proceeded on leave preparatory to retirement or have actually retired from Government service. The following instructions are issued for the guidance of Ministries/Divisions.

2. Representations against adverse remarks, recorded by officers, who have retired or have proceeded on L.P.R., should not ordinarily be referred to them for comments, unless the representation contains certain points which, in the opinion of the administrative authority concerned, cannot be dealt with properly without inviting the views of the Reporting/Countersigning Officer. In such cases, a reference on these points only, should be made to the Reporting/Countersigning Officer, giving him a reasonable time limit for reply. If no reply is received within the given time limit, it may be assumed that the officer

has nothing to say against the points raised in the representation, which may then be disposed of by the administrative authority on its merits.

3. In deciding whether a reference contemplated in the preceding paragraph would or would not bring any fruitful result in any individual case, the Ministries/Divisions should use their own judgement and discretion, keeping in view the general reputation of the retired officers.

4. In no case, a reference in connection with representations against adverse remarks, should be made to a Reporting/Countersigning Officer after one year of the date of his retirement or proceeding on leave preparatory to retirement.

(Establishment Division O.M. No. 4/3/66-A.II, dated the 7th January, 1967).

Sl. No. 9-D :

Attention is invited to para 3 of Section 'A' (Instructions for Ministries/Divisions) printed on page 4 of the C. R. Form (S. 121-A) and to say that following decisions have been taken:—

(*i*) When an adverse remark is made in the confidential report of any officer, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a d.o. letter, a copy of which should be signed and returned by him in acknowledgement of the report. A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse remarks to the officer reported upon.

(*ii*) The officers making representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the Reporting Officers. Violation of this rule will be considered a misconduct and will also render the representation liable to be summarily rejected.

2. The attention of Ministries/Divisions/Departments, etc., is particularly drawn to para 2 of Section-C the " Instructions for the Reporting Officers ", printed at the back of the C.R. Form (S. 121-A) and they are requested to impress on all Reporting Officers, under their administrative control, that the defects, if any, noticed by them in the officials they have to report upon, should be pointed out to the latter at the earliest possible opportunity.

3. The instructions regarding communication of adverse remarks printed at the back of the C. R. Form (S. 121-A) may be deemed to have been suitably amended in the light of the decisions contained in para 1 above. Printing of the revised C.R. Form is in hand and copies thereof will be supplied in due course.

[Establishmet Division (O M Wing) O.M No. 126/1/27- O & M, dated the 12th July. 1967.]

Page-numbering of Confidential Reports :

Sl. No. 10 :

REFERENCE : *Establishment Division Office Memorandum No. F.* 5/3/48-*Ests.* (*SEI*), *dated the* 1*st August,* 1949 (*Sl. No.* 1).

Apart from the instructions which have already been issued to the effect that in no case should an officer have access to his own Confiedntial Reports, it is considered necessary to guard against the possibility of Confidential Reports being tampered with. It has been noticed that the Confidential Reports when filed in a Character Roll, are not generally given page number, and, in order to minimise the possibility of any of these reports being tampered with, it is necessary that the sheets in the Confidential Record should be page-numbered in ink.

2. It is requested that the above may be brought to the notice of all officers who are authorised to keep Confidential Reports in their custody, so that the files of Confidential Reports with them may be clearly paged in ink and any sheet subsequently added is likewise given a page number in ink.

(Establishment Division Office Memorandum No. F. 5/3/48-Ests. (SEI), dated the 2nd October, 1950.]

Writing of the Reports in legible handwriting

Sl. No. 11 :

The Federal Public Service Commission and the Establishment Division constantly see annual Confidential Reports which are not prepared as carefully as they should be ; and the former have recently shown us the Character Roll of an officer in which a Confidential Report has been most carelessly drawn up ; the period covered by the report has not been specified ; the handwriting of the reporting officer is almost illegible ; his signature is quite illegible and his designation has not been stated.

2. Confidential Reports on officers are of the greatest importance when appointments or promotions have to be made and the necessity of preparing these reports with the utmost care cannot be too strongly stressed. Therefore, kindly make sure that the following is invariably done when these reports are being written :

(*a*) The period under review should be clearly stated ;

(*b*) The remarks, if written in hand, should be written very legible, the initials, name and the designation of the reporting officer being clearly written in block letters or typed under the signature, and the date on which the report is signed being clearly shown ;

*(*c*) If the report mentions a remediable fault, which has been communicated, this should always be stated ;

*(*d*) If the report mentions an apparently remediable fault which has not been communicated, the highest authority handling the report should be asked by a note, whether or not this should be done. The decision not to do so, or the letter in which this communication is made, should form part of the file.

3. Lastly, attention is drawn to the numerous cases, in which reports for whole years are missing or are recorded very late. This, and excessively brief reports, are particularly marked in the case of C.S.P. Officers serving in Provinces. The Selection Board have drawn our attention to this error in more than one instance.

(Establishment Secretary's letter No. 5/3/43-SEI, dated the 12th September, 1951.)

Typing or writing in block letters the name and designation of the reporting officer :

Sl. No. 12 :

In many cases the signatures of the reporting officers on the reports are illegible. This means that after some years it may, in such cases, be impossible to tell who the reporting officer was.

2. The Prime Minister has drawn attention to this and desired me to request you to issue early orders that name and designation of the reporting officer should invariably be typed or written in block letters on the Confidential Reports.

(Establishment Secretary's d.o. letter No. 9/5/52-SEIII, dated the 11th February, 1953).

Sl. No. 13 :

The Establishment Division have been requesting all concerned that remarks in the Confidential Reports of Government employees, if written in hand, should be legible, the name and designation of the reporting officers should be clearly written in block letters or typed just below their signatures and the date on which the report is signed should also be indicated therein.

2. Cases continue to come to notice in which these instructions seem to have been deviated from. It may be partly due to the fact that the officers who at an earlier stage were not entitled to write out Confidential Reports were not being kept posted with the relevant instructions on the subject as and when they were becoming entitled to do so.

3. It is, therefore, requested that —

(*a*) the relevant instruction in this regard may kindly be once again brought to the notice of all the existing reporting officers for their compliance in future ;

(*b*) instructions should be issued that any officer who is to begin writing the Confidential Reports for the first

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*Please *see* note below Sl. No. 9.

time should in each case be appraised of the relevant instructions on the subject and asked to follow the same strictly.

(Establishment Secretary's letter No. 12/1/59-Con., dated the 19th February, 1959.)

Bar against mentioning of unfinalised departmental proceedings in Confidential Reports :

Sl. No. 13-*A* :

It has been noticed that in some annual confidential reports of officers received from various Ministries that a reference is made even to departmental proceedings which are still in progress against the officers concerned.

2. The Establishment Division feel that until and unless the result of such proceedings has been known and final orders, awarding punishment if any, have been passed by the competent authority, it would not be correct to make any such reference as may have the effect of creating doubts about the conduct and character of the officers concerned. It can hardly be controverted that such a reference, although factually correct, if inadvertently made cannot fail to damage the officer's record even if in the long run he is completely exonerated.

3. In the circumstances it is requested that, in the case of an officer against whom departmental proceedings are in progress, no mention whatsoever should be made about it in their annual confidential reports. Only when such proceedings have been finalized, and the punishment if any has been awarded, should a mention about it be made in his confidential report. In such a case a complete copy of the final order may be placed, as is usually done, on his character roll.

(Establishment Secretary's d.o. letter No. 9(1)/58-SE-III, dated the 8th May, 1958.)

Bar against placing copies of orders conveying warning in the Character Rolls of Government servants.

Sl. No. 13-*B* :

The question whether copies of orders conveying warning and Government's displeasure to an officer should be placed in his character roll, has been considered in the Establishment Division. It has been decided that as these orders do not amount to punishment under the Government servants (Efficiency and Discipline) Rules 1960 copies of the same should not be placed in the character roll dossiers.

2. To ensure that such warnings or displeasure find a place in the annual confidential report the reporting officers should be instructed to mention the fact of a warning having been administered or displeasure of Government having been conveyed an officer, in the annual confidential report pertaining to that year.

(Establishment Division O.M. No. 6/1/68-A.II, dated the 19th March, 1968.)

Bar against making of 'personal remarks' in writing of Confidential Reports :

Sl. No. 14 :

It may be impressed upon the reporting officers that in writing Confidential Reports, they should take utmost care to ensure that personal remarks are avoided and that reports are written in an objective manner. If, subsequently, despite these instructions, any reporting officer indulges in subjective writing, it will be open to their superior officers to report adversely on them for having failed to record their remarks in an objective manner.

2. Finally it must be reiterated that all faults mentioned in a Confidential Report must be communicated to the officer reported upon.

(Establishment Secretary's d.o. letter No. 9/4/54-SEIII, dated the 5th October, 1954.)

Writing of the confidential Reports in time :

Sl. No. 15 :

Attention is invited to para. 6 of the Establishment Division O.M. No. 5/3/48-Estt (SE), dated the 1st August, 1949 which requires that annual confidential reports should be prepared at the close of each calendar year. It appears, however, that the above instructions are not being properly followed with the result that confidential reports on a number of officers have not been written for several years. In order to ensure proper maintenance of the Character Rolls, it has been decided that every Ministry/Division should report to the Establishment Division in the 1st week of April every year, whether or not the annual confidential reports for the preceding year in respect of officers and members of staff in the Ministry and its Attached/Sub-offices have been completed and forwarded to the appropriate authority, with reasons for delay in respect of outstanding confidential reports.

(Establishment Division Office Memorandum No. 6/9/62-A. II, dated the 15th November, 1962.)

Sl. No. 15-A :

REFERENCE :—*Establishment Division O.M. No. 6/9/62-A. II, dated the 15th November, 1962.*

.. .. *Omitted* .. ..

2. It has been noticed that some of the Attached/Subordinate offices have been sending the required return direct to the Establishment Division. This procedure being irregular, it is requested that the required return in respect of Ministries/Divisions and their attached/subordinate offices should be furnished in a consolidated form instead of sending in piecemeal.

(Establishment Division O.M. No. 5/11/63-A.II, dated the 25th July, 1963).

Proper despatch of Character Rolls to Establishment Division :

Sl. No. 16 :

In many cases the Character Rolls are not addressed to an Officer by name but to the 'Establishment Division' with the

result that the envelopes are opened in the office, which is not desirable.

2. It is, therefore, requested that the Confidential Reports should always be sent to an officer by name not lower than a Deputy Secretary.

(Establishment Division letter No. 9/5/52-SEIII, dated the 25th February, 1953.)

Sl. No. 16-A :

A reference is invited to para 3(d) of the Establishment Division letter No. 5/3/48-SEI, dated the 9th June 1951 [now para 2(b) (iii) of Sl. No. 7], para 4 (XII) of Appendix 'B' to letter No. 9(3)-52/SEIII, dated 11th August, 1952 and para 3 of letter No. 9(5)/52-SEIII, dated the 25th February 1953. (Sl. No. 16).

2. It has been observed that the instructions contained therein are not strictly being followed by many Ministries/ Divisions. In order to maintain complete secrecy, it is requested that on both occasions while forwarding the confidential reports/character rolls and obtaining the character rolls from the Establishment Division, the correspondence should always be at least at Deputy Secretary's level.

(Establishment Division O.M. No. 6/1/67-III. dated the 1st March, 1967).

Disposal of character rolls of Government servants who are no longer in service :

Sl. No. 16-B :

The question of disposal of character rolls of Government servants who are no longer in service on the grounds of resignation, retirement, death, removal, discharge or dismissal etc. had been under consideration in the Establishment Division in the past. Keeping in view the Government decision refixing the age of superannuation for all Government servants at 55 years of age, it has now been decided that the service records (character rolls) of all Government servants should be preserved for 10 years after their retirement *i.e.*, until a Government servant attains the age of 65 years.

(Establishment Division O.M. No. 6/29/61-A. II. dated the 18th August. 1966).

Requisitions for Character Rolls from the C.P.S.C. :

Please see Sl. Nos. 56—59, Chapter XXI, Vol III.

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Sub-Section A(2)

Procedure for :–

(*i*) *filing of letters of appreciation/citation of honours/ awards in the Character Rolls* ;

(*ii*) *recording of facts about punishments in departmental enquiries* ;

(*iii*) *expunction of adverse entries in the Confidential Reports* ;

(iv) *recording of certificates of 'approved service' in the Character Rolls of officers entitled to Special Additional Pension.*

Letters of appreciation written by Heads of Foreign Training Institutions :

Sl. No. 17 :

Omitted.

(Pl. *see* Sl. No.29).

(Establishment Division letter No. 9/1/55-SE.III, dated the 27th January, 1956).

Letters of appreciation from Government, or Heads of the Departments or of the Chairman of any Committee/Commission set up by Government :

Sl. No. 18 :

It has been decided that letters of appreciation from Government or from the Head of a Department may be filed in the Character Rolls of the officers who do special work outside their ordinary functions.

*2. It has also been decided that in the case of Committees/Commissions set up by Government, not only letters of appreciation issued by such Committees/Commissions to Government officers serving with them but also attested copies of such remarks or paragraphs concerning them which have been embodied in their reports may be placed in the Character Rolls of the officers concerned. *(As modified *vide* para 4 of the O.M. No. 25/2/61-CV, dated the 13th Dec., 1961).

Mention of any special work done by an officer such as Chairmanship or Membership of a Committee/Commission should also be made in the Character Rolls of the officers concerned.

3. No other chits or testimonials should find a place on the Character Rolls.

(Establishment Division letter No. 9/1/57-SEIII, dated the 27th March 1957.)

Recording of communications of the Idea Award Committee :

Sl. No. 18-A :

The Idea-Award Committee considered a suggestion and agreed that a record should be kept in the character roll of the person concerned if an idea presented by him is accepted by that Committee. It has accordingly been decided by the Establishment Division that a copy of the communication, conveying the acceptance and commendation of the Committee together with a copy of the actual suggestion accepted, should be kept in the character roll of the person concerned.

(Establishment Division O.M. No. 6/10/64-A.II, dated the 11th November, 1964).

Citation of honours/awards :

Sl. No. 19 :

It has been decided that, if an officer has received any honour/award, a suitable entry should be made in his Character Roll and a copy of the citation placed in it.

(Establishment Division letter No. 1/8/60-C, dated the 9th February, 1961.)

Foreign honours/awards :

Sl. No. 20 :

REFERENCE :—*Establishment Division letter No.* 1/8/60-C, *dated the* 9*th February,* 1961.

If an official has received any Foreign honour/award with the approval of the Government of Pakistan, suitable entry to this effect should also be made in his Character Roll.

(Establishment Division letter No. 8/10/59-H&A, dated the 2nd June, 1961.)

Recording of facts about punishments in departmental enquiries :

Sl. No. 21 :

A question was raised recently whether and how any facts regarding punishments in departmental enquiries should be recorded in the Character Rolls of officers.

2. The answer is that, in such cases, only a copy of the order awarding punishment, should be filed in the Character Roll of the officer concerned. In case an appeal is preferred a note may be recorded on the punishment order and filed in the Character Roll, stating the decision taken on the appeal and a reference to the relevant records.

(Establishment Division Office Memorandum No. 9/4/54-SEIII, dated the 27th September, 1954.)

Punishment imposed on officers and staff as a result of screening to be entered in their Character Rolls :

Sl. No. 21-A :

It has come to the notice of the Establishment Division that in certain cases, penalties imposed on the Government servants as a result of screening have not been entered in their Character Rolls. The Ministry of Finance, etc. are, therefore, requested kindly to complete the Character Rolls of the officers and staff concerned by making an entry therein of the punishments imposed on them as a result of screening.

(Establishment Division Office Memorandum No. 7/2/61-SR, dated the 7th April, 1961).

Note —For complete set of instructions on the subject of 'Screening' please see Chapter XXV. Volume III.

Making of entry in the Character Rolls on the basis of court strictures :

Sl. No. 21-B :

The question whether strictures passed by courts of Law against a Government servant render him liable to departmental action has been under the consideration of the Establishment Division for some time. It has been held that when a Court passes any strictures against a Government servant, it should not necessarily be assumed that he is guilty of some misconduct or breach of rules or an act of omission or commission. The nature of the action to be taken should be decided after careful consideration of the facts and circumstances of each individual case. If the strictures are such as to merit disciplinary action against the Government servant concerned, he should be dealt with departmentally in the light of the Government Servants (Efficiency and Discipline) Rules, 1960. No Government servant should, however, be punished on the basis of the strictures without drawing up necessary proceedings in accordance with the aforesaid rules. An entry may be made in the Character Roll of the Government servant concerned or a copy of the strictures placed therein only when specific orders are passed to that effect by the competent authority. In no other case, strictures should find a place in the Character Roll of the Government servant.

(Establishment Division Office Memorandum No. 3/110/59-E.V., dated the 28th April, 1960).

Expunction of adverse entries :

Sl. No. 22 :

The question has been raised by what exact procedure adverse entries in the Confidential Reports of Government servants should be expunged, if it is decided by the competent authority to do this.

2. In such cases the adverse entry should be scored through, but not in such a way as to make it illegible. A marginal note should be added showing the file number and date of the orders under which the entry has been expunged. In no circumstances should any entry in a Confidential Report be made illegible or any papers be physically removed from a file of Confidential Reports.

(Establishment Division Office Memorandum No. 5/51-SEI, dated the 18th August, 1951.)

Placing of reports of annual medical examination in the Character Rolls of Officers :

Sl. No. 22-A :

The Government of Pakistan has decided that every Class I Officer in the employ of the Central Government should be medically examined every year and the *report of such examination be recorded in the annual confidential report/service record of the officer.*

2. The medical examination will be conducted as follows :

1. For officers posted at Karachi. (Heart Clinic, Jinnah Central Hospital).	(*a*) Officers of the status of Joint Secretary and above. Professor of Medicine, Dow Medical College-in-Charge, Central Heart Clinic, Karachi.
	(*b*) Other Class I officers, Associate Physician and Assistant Professor of Medicine Jinnah Central Hospital.
2. For officers posted at Rawalpindi (Central Government Hospital).	(*a*) Officers of the status of Joint Secretary and above —Their Authorised Medical Attendant.
	(*b*) Other class I Officers. Physician of the Hospital.
3. Other places.	Civil Surgeons at the District Headquarters.

3. The report of the medical examination will be in the form attached and will be furnished by the examining officer direct to the Head of the Office/Department concerned. The Ministry of Foreign Affairs etc., may kindly forward the names of their Class I Officers to the respective examining authorities.

4. It is proposed to divide the officers in the following categories on the basis of their medical fitness :—

(i) *Category* A.—An Officer who has not been definitely disabled on account of a serious defect.

(ii) *Category* B.—An Officer who suffered from a serious defect which has disabled him partially but permanently, provided he is fit to perform certain types of duties, such as sedentary duties.

(iii) *Category* C.—An officer who is completely incapacitated.

5. The report will be disclosed to the officer, if he contests the medical category assigned to him by the Medical Officer conducting the medical examination, he may be placed before a Medical Board.

6. The above decision has been taken in the interest of the officers themselves so that their physical defects are discovered at an early stage and an easy treatment is assured. An officer who is completely incapacitated and placed in 'C' category would still be given such treatment as may be possible. There will be no categorisation of jobs and the Establishment Division/ Service Department concerned will take the medical report into consideration while considering a particular appointment.

N.B.—Officers would be examined only at the station of their posting.

(Health Division Office Memorandum No. 9-18/60-M, dated the 10th January, 1961.)

Recording of certificate of "approved service" in the Character Rolls of officers entitled to Special Additional Pension :

Sl. No. 23 :

Under instructions contained in the Ministry of Finance Office Memoranda Nos. :—

(1) F. 1 (I)-RI/54, dated the 4th March, 1954 (Annexure I),

(2) (12)-F. 1 (I)-R-I/54, dated the 14th June 1954 (Annexure II),

(3) F. 1 (4) RI (I)/59, dated the 23rd June, 1959 (Annexure III),

regarding the procedure to be adopted for sanctioning the grant of special additional pensions, it is necessary that a note or certificate should be recorded in the annual Confidential Report of an officer, eligible for such pension, as to whether the service rendered by him during the year under report has been approved. It has now been observed that the Character Rolls of the officers mentioned in the margin (not reproduced) who hold the posts of Joint Secretary and Deputy Secretary and are thereby eligible for the grant of additional pension, do not contain a note or certificate to the above effect. The question of recording such a note or certificate may now, therefore, kindly be examined, and the certificate, if recorded, furnished to the Establishment Division.

(Establishment Secretary's d.o. letter No. 4/1/60-C, dated the 12th October, 1960.)

ANNEXURE I

Full ordinary and special additional pensions admissible under the existing rules are not to be given as a matter of course but only where the service rendered is approved as satisfying the required standard. The late Government of India, in the Finance Department Memorandum No. 1 (2)-RII/39, dated the 16th December, 1944, laid down the procedure to be followed before according sanctions to such pensions. In the absence of any

instructions to the contrary, the procedure in question has continued to be in force after the 15th August, 1947, and is recapitulated below for strict compliance before according sanctions to such pension :—

I. *Ordinary pensions.*—The provisions of Article 470, C.S.R. should be borne in mind by the competent authorities at the time of sanctioning pensions.

II. *Special additional pensions.*—(A) Cases where the Head of the Department is subordinate to the Ministry/Division of the Government of Pakistan.

(*i*) *Annual Review.*—(a) The Head of the Department will make a note in the annual Confidential Report as to whether in his opinion the service rendered by the officer and his conduct during the year have been upto the required standard ;

(b) This report should be sent to the Ministry/Division of the Government of Pakistan concerned with a recommendation as to whether the service rendered during that year should count for special additional pension ;

(c) The Head of the Ministry/Division of the Government of Pakistan should after taking into consideration all the known facts regarding the officer, record a note as to whether the service has been approved ;

(d) If such authority records that the service has been approved, no further action will be necessary and the officer will receive no intimation to this effect. He will, therefore, be entitled to presume that his service has been approved for that year ;

(e) If the Head of the Ministry/Division of the Government of Pakistan is not satisfied that the service and conduct have been upto the required standard, he should submit the case for the orders of the Governor-General. If the Governor-General decides that the work of the officer did not come up to the required standard, a warning should be issued to him that his work in the previous year had not been considered satisfactory and that though the final award of additional pension will depend on the service rendered by the officer in the post as a whole, his additional pension for that year, and for future years, will be liable to reduction or refusal unless certain defect(s), which should be specified, is/are remedied. Copies of the warning letters should be kept in the Character Rolls of the officers concerned ;

(*ii*) *Final Review*.—(a) Where all the annual reports under sub-para (A) (i) (c) above have been satisfactory, the Ministry/Division of the Government of Pakistan will undertake the final review, and if it considers that the maximum additional pension may be granted, the Ministry/Division of the Government of Pakistan will pass final orders sanctioning such pensions ;

(b) Where a case has already been sent once to the Governor-General, under sub-para (A) (*i*) (e) above or where the Ministry/Division of the Government of Pakistan consider that, on a final review, the maximum special additional pension admissible should not be sanctioned, the case should be referred, in the first instance, to the Pakistan Public Service Commission. Except, where the final decision of Government will be in accordance with the recommendation of the Commission, the case should be submitted for the orders of the Governor-General.

NOTE.—The annual and final review in respect of officers of the Pakistan Audit and Accounts Service will be conducted by the Auditor General of Pakistan and orders sanctioning special additional pensions will be issued by him. All cases in which he considers that the maximum special additional pension should not be sanctioned, will be referred to the Ministry of Finance for action under sub-para A(ii) (b) above.

(B) Cases where the Head of the Department and the Head of the Ministry/Division of the Government of Pakistan are the same authority.

(*i*) *Annual Review*.—(a) The Head of the Ministry/Division of the Government of Pakistan should after taking into consideration all the known facts regarding the officer, record a note as to whether the service and conduct of the officer during the year have been approved. For this purpose Ministries/Divisions should keep a note of observations on the work of officers that come to light from time to time from official source, both inside and outside the Ministry/Division, so that the Head of the Ministry/Division of the Government of Pakistan may have as full knowledge of the officer as possible ;

(b) If the Head of the Ministry/Division of the Government of Pakistan recommends that the service be not approved the procedure laid down in sub-para (A) (*i*) (e) should be followed ;

(*ii*) *Final Review*.—The same procedure as indicated at sub-paras (*i*) (a) and (b) above *mutatis mutandis*, should be adopted at the time of final review. If it is decided that the maximum special additional pension admissible should be sanctioned, the Ministry/Division of the Government of

Pakistanwill accord sanction : otherwise the case should be referred, in the first instance, to the Pakistan Public Service Commission. Except where the final decision of Government will be in accordance with the recommendations of the Commission, the case should be submitted for orders of the Governor-General.

2. These orders apply only to officers under the rule-making control of the Governor-General and to the *ex*-Secretary of State's Officers belonging to Central Services, including such officers whose services are lent to Provincial Governments or who are on foreign service. The Ministry/Division in which exists the post on which the officer holds a lien, active or suspended, shall ensure that the report, when due, is obtained from the Provincial Government or the foreign employer, as the case may be.

3. It is likely that in the absence of the instructions now issued the old orders of the Government of India may have been overlooked in certain cases and the necessary certificates of approved service may not have been recorded in those cases. Ministries/Divisions are, therefore, requested to review all cases with a view to seeing whether the certificates of approved service have been recorded and, if not, these may now be recorded.

(Ministry of Finance Office Memorandum No. F.1(I)-R. I/54, dated the 4th March, 1954.)

ANNEXURE II

REFERENCE :—*Ministry of Finance Office Memorandum No. F.* 1 (1)-*R.I*/54, *dated the* 4*th March*, 1954.

The procedure outlined in the Office Memorandum under reference is not applicable to officers of the *Ex*-Secretary of States Services who belong to Provincial cadre nor to such officers belonging to Provincial Services. The procedure in respect of such officers including those who for the time being are serving in the central field will be governed by such orders as may be issued by the Provincial Government to whom a copy of the Office Memorandum referred to above has already been forwarded for issuing similar orders for the officers with whom they are concerned.

Another point that has been raised in this connection is whether the note of annual review for purposes of special additional pension is to be recorded in the Character Roll of the officers concerned. The decision as a result of annual review for this purpose, should be recorded in the usual annual Confidential Reports on the work of officers. Except in cases where the time for the writing of the annual Confidential Reports coincides with the date on which the officer concerned completes a year's service in a post qualifying for a special additional pension, the report regarding special additional pension should be recorded separately in the Confidential Report file after the latter date. In other words it is necessary that the review for the purpose of special additional pension should be conducted only on the expiry of a completed year's service in a qualifying post.

(Ministry of Finance Office Memorandum No. (12)-F. 1 (I)-RI/54, dated the 14th June, 1954.)

ANNEXURE III

REFERENCE :—*Ministry of Finance O.M. No. F.* 1 (1) *R*/54, *dated the* 4*th March*, 1954.

It has been brought to the notice of this Ministry that the procedure laid down in that Office Memorandum to establish 'approved' service for special additional pension was not followed in certain cases which resulted in administrative complications. According to those instructions in the case of a Government servant holding a post which makes him eligible for special additional pension under the rules it is necessary that in his annual Confidential Report a note should be made that the service rendered by the officer and his conduct during the year have been upto the required standard and also a recommendation made as to whether the service rendered during that year should count for special additional pension. Then a note is recorded by the authorities specified therein whether the service has been approved. The Ministries and Divisions are requested to ensure that instructions issued in this Ministry's Office Memorandum, dated the 4th March, 1954 are carefully studied by all concerned and are observed strictly in all cases.

[Ministry of Finance Office Memorandum No. F. 1 (4)-RI (1)/59, dated the 23rd June, 1959.]

Sl. No. 23-A :

A reference is invited to the Ministry of Finance Office Memorandum No. F. 1(1)-R. 1/54, dated 4-3-54, and No. F1(4)-R.1(1)/59, dated 23-6 59 (Annexure III, Sl. No. 23) and it is stated that it has again been noticed that certain Heads of Divisions have not been observing the procedure laid down therein. The Establishment Division have also been consulted in the matter and they have stated that it is the duty of the Heads of Divisions to record a note in the annual confidential report of an officer eligible for additional pension as to whether the service of the officer has been approved for it. In case a Head of Division is not satisfied with the work of the officer concerned, the Head of Division should issue a warning to the officer concerned that his work did not come up to the required standard and the warning should be placed on the Character Roll of the officer. If no such warning is issued to an officer who is eligible for additional pension, it would be presumed that the service of the officer was duly approved for additional pension.

2. The Establishment Division have accepted the responsibility for checking up the certificates of the Heads of Divisions for special additional pension in respect of the Services and Cadres under their administrative control, eg., C.S.P., G.A.R, C.S.S. and the Central Economic Pool. The other Ministries/ Divisions are now requested to immediately exercise a similar check up of the certificates in respect of the officers of the Services and Cadres under their respective administrative control so

that no complications arise later on. It is also requested that in future the instructions contained in this Ministry's Office Memoranda, dated 4th March, 1954, and 23rd June, 1959, should be invariably and carefully followed. Attention in this connection is also invited to the Establishment Secretary's d.o. letter No. 4/1/60-C, dated the 12th October, 1960 (Sl. No. 23).

(Ministry of Finance O.M No. F. 6(26)-RI/63, dated the 17th January, 1964.)

Sl. No. 23-B :

A reference is invited to the Ministry of Finance Office Memorandum No. F. 6(26)-RI/63, dated the 17th January, 1964, and it is stated that it is possible that in some cases an officer eligible for special additional pension has not put in one comleted year of service at the close of a particular year and the certificate recorded in his annual confidential report for that year may ignore the period for which special additional pension was actually admissible to him during the year. In order to guard against any such contingency, it has been decided in consultation with the Cabinet Secretariat (Establishment Division) and the Comptroller & Auditor-General of Pakistan, that a note regarding special additional pension should be recorded under part IV of the annual confidential reports covering the period falling within the year under report for which special additional pension is admissible.

(Ministry of Finance O.M. No. F. 6(26)—RI/63, dated the 2nd July. 1964).

SECTION B

SPECIAL INSTRUCTIONS REGARDING CONFIDENTIAL REPORTS/CHARACTER ROLLS OF GOVERNMENT SERVANTS.

Guarding against personal likes and dislikes in writing of Confidential Reports :

Sl. No. 24 :

It has been decided that with a view to guarding against personal likes and dislikes, an officer receiving adverse remarks for two successive years from the same reporting officer should be placed under another reporting officer. It is requested that these orders may kindly be brought to the notice of all concerned for strict compliance.

(Establishment Division letter No. 6/14/61-C, dated the 7th August, 1961.)

Placing Government servants on special reports :

Sl. No. 25 :

Government have, for some time, been considering the question of making more adequate provisions for dealing with inefficient Government servants. One of the measures that has been decided upon is that, whenever the Head of a Ministry/Division/Department is convinced on good grounds that the work of a particular Government servant is not satisfactory, the former could put the Government servant concerned, with simultaneous intimation to him, on a Special Report. A Special Report on the latter's work would, in such an eventuality, be drawn on the expiry of six months, irrespective of the fact whether the annual report on him becomes due during this period or not.

2. If such a special report does not indicate any improvement in the work of the Government servant concerned, it would be open to the competent authority to take such action against him as may be permissible under the existing rules.

(Establishment Division Office Memorandum No. 9/1/58-SE III, dated the 9th October, 1958.)

Confidential Reports on Secretaries and Joint Secretaries to Central Government :

Sl. No. 26 :

It has now been decided that annual Confidential Reports in respect of work of Secretaries need not be written. In view of this decision, no action on Letter No. 16/2/59-Conf., dated the 18th December, 1959 (Annexure) in so far as it pertains to Secretaries is called for. Reports on Joint Secretaries may, however, be written as indicated in that letter.

(Establishment Division Letter No. 16/2/59-Conf., dated the 2nd January, 1960.)

Note :—In the context of the above orders attention is invited to sub-rule (xvi) of rule 2 of the Rules of Business, 196 2 according to which the term "Secretary to the Government of Pakistan" includes a Joint Secretary in charge of the Division/M inistry, where there is no Secretary.

2. The Government of Pakistan have also decided that the performance of all C.S.P. Officers in selection appointments at the Centre will, when they are reverted to the Provinces, be communicated to the Provinces. In the case of *out-going* Secretaries to the Government of Pakistan, this communication will take the form of a letter addressed by the President to the Provincial Governor.

(Para 2 of the Establishment Division letter No. 2/36/60-E. IX, dated the 24th April, 1960).

ANNEXURE

Government have decided that Secretaries to the Central Government should in future be reported on each year by their Ministers, and that the Joint Secretaries should be reported on both by their Secretaries and their Ministers. It is requested that this system may kindly be introduced immediately.

(Establishment Secretary's letter No. 16/2/59-Con., dated the 18th December, 1959.)

Confidential reports on Officers of the status of Secretary/Acting Secretary :

Sl. No. 26-*A* :

A reference is invited to the Establishment Division Office Memorandum No. 6/1/64-A. II, dated July 6, 1965, on the subject of annual confidential reports of officers appointed to semi-autonomous corporations/attached departments and it is stated that after further consideration it has been decided that no annual confidential report should be recorded on officers enjoying the status of Secretary to the Central Government. It has also been decided that annual confidential reports on officers of the status of Acting Secretary appointed as Heads of semi-autonomous organisations/attached departments should be written by the Secretary of the Ministry concerned. The orders issued under this Division Office Memorandum under reference are cancelled.

(Establishment Division O.M. No. 6/1/64-A.II, dated the 16th November, 1965).

Confidential Reports on officers serving in Districts :

Sl. No. 27 :

It has been decided by the Government of Pakistan that every year the Deputy Commissioner should write a Confidential Report on District Officers of other departments serving in his District and send it to the *Divisional Head of the Departments* concerned with a copy to the Commissioner. The Divisional Officer should forward the report for inclusion in the Character Roll of the officer reported upon with his own remarks, if any.

2. The annual Confidential Report of these officers by the Deputy Commissioner should be written on the following points :—

(*i*) The general behaviour of the officer concerned ;

(*ii*) His co-operation with other departments and his relations with the public ;

(*iii*) The interest taken in development work ;]

(*iv*) In the case of the Superintendent of Police, the measure of co-operation received by the D. M. from him in the maintenance of law and order.

3. The above orders will apply *mutatis mutandis* to the writing of annual Confidential Reports by the Divisional Commissioner on Divisional officers of other Departments serving in his area. These reports should be sent to the Provincial Head of the Department and should form part of the Character Roll of the officer reported upon.

(Establishment Division letter No. 6/2/61-C, dated the 11th April, 1961.)

Placing of evaluation reports of Training Institutions in the Character Rolls of officers :

Sl. No. 28 :

It has been decided that evaluation reports on the trainees should be prepared by the Training Institutions in respect of officers trained at these Institutions. Copies of the evaluation reports should be sent to the sponsoring Ministries/Provincial Governments for being placed on the Character Roll dossiers of the officers. The evaluation reports may be taken into consideration at the time of promotion and given such weight, along with other factors, as the relevant authorities may deem fit.

(Para 5 of the Establishment Division Letter No. 2/17/61-A.VI, dated the 31st October, 1961.)

Note:—The Estt. Div. letter No. 2/17/61-A. IV, dated the 31st Oct. 1961 has been reproduced in full in Chap. XIII.

Reports on Officers detailed for training abroad :

Sl. No. 29 :

Reference :—Para 5 of the Establishment Division letter No. 2/17/61-A. IV, dated the 31st October, 1961 (Sl. No. 28).

In accordance with the principles initiated in the above referred letter, it has now been decided that reports on officers detailed for training courses abroad at various Institutions will be placed on the C.R. dossiers of the officers. It is requested that this decision of Government may be brought to the notice of officers proceeding on courses and necessary action taken on their reports as indicated above.

(Establishment Division letter No. 1/29/62-A. III, dated the 19th November, 1962 read with O.M. No. 1/29/62-A. III, dated the 18th April, 1963).

onfidential Reports on officers on eputation to Foreign Organisa-ons :

Sl. No. 30 :

The question of obtaining annual confidential reports on Pakistani officers on deputation to Foreign Organisations was under consideration in the Estabishment Division. It appeared that—

(i) the work of the officers concerned should be deemed to be satisfactory as long as they continue to work with Foreign Organisations and unless an approach is made to the Government of Pakistan for their recall ;

(ii) the formalities of getting the reports completed, communication of adverse remarks, if any, representations against it, asking for comments of foreign employers on representations etc., may create an awkward situation.

The Central Public Service Commission also accepted the views in the case of an officer who was on deputation to a Foreign Organisation that the report for the period of his deputation should not be called for.

2. After a careful consideration of the matter it has now been decided that the reports on officers who are on deputation to Foreign Organisations should not be called for.

(Establishment Division O.M. No. 6/5/66 A.II., dated the 14th September, 1966).

CHAPTER IX

DEPUTATIONS, TRNASFERS AND DUTY

CONTENTS

SECTION — SERIAL NO,

A—DEPUTATIONS.

B—TRANSFERS.

C—DUTY.

Specification of cases in which period of absence, training, deputation or service of Government servants not connected with their official duties is treated as *duty* under Fundamental Rule 9(6), *e.g.*—

Chapter IX

DEPUTATIONS, TRANSFERS AND DUTY

SECTION A

DEPUTATIONS

Sub-Section A(1)

Terms and conditions of service of Government servants on deputation to other Government Offices/Departments.

GENERAL

1. Hithertofore, the term " deputation " has not been formally defined. However, according to the practice in vogue, a Government servant begins to be regarded as a " deputationist" when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs. He continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

The term " deputationist " does not cover the case of a Government servant who is appointed, within his own department or cadre in accordance with the rules of transfer applicable to his particular department or cadre, to a post other than the one on which he holds a lien.

2. Except for the ministerial staff in the Central Secretariat and its Attached Offices, there is no uniform set of rules or instructions to govern the terms and conditions of service relating to seniority, promotion, confirmation, etc., of " deputationists " in their parent as well as borrowing offices. Of necessity, therefore, the terms of service of the latter category of " deputationists " are determined in each case by the borrowing office on an *ad hoc* basis in consultation with the lending office.

3. The rules regarding seniority, promotion, confirmation, etc., of " deputationists " equally apply to the case of permanent Government servants appointed to *ex*-cadre posts or posts outside their normal line of promotion in their parent departments.

4. Attention in this connection is invited to the rules regarding termination, suspension, etc., of lien of all categories of deputationists in their parent offices as contained in Chapter III of the Fundamental and Supplementary Rules, Volumne I. The Ministry of Finance Office Memorandum No. F. (37) R. II(I)/58, dated the 15th August, 1958 (reproduced at Sl. No. 8), affords some guidance in regard to the fixation of their pay and allowances.

Convention between the Central Government and the Provincial Governments, and Provincial Governments inter-se regarding terms and conditions of deputationists :

Sl. No. 1 :

As a Government servant on deputation retains a lien on the permanent post in his parent office, he is oridinarily governed by the rules of the lending Government in matters of pay, leave, pension, etc., and continues to be under the rule-making control of the lending Government which has a right to recall him. The lending Government accordingly has a right to determine in consultation with the borrowing Government the terms of his employment under the latter, and these terms should not be varied by the borrowing Government without consulting the lending Government.

A convention has been established between the Central Government and the Provincial Governments on the one hand, and the Provincial Governments *inter-se*, on the other to the effect that no increase in pay or improvements in other service prospects should be offered to any such officer without consulting the lending Government or department.

[Ministry of Finance letters No. F. 10(23)-E.G.II/48 of 9th December, 1948 and 10th June, 1949].

Procedure for grant of Efficiency Honorarium to Provincial deputationists :

Sl. No. 1-*A* :

The question has been raised whether, with the substitution of efficiency honorarium for advance increments, it is still necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium. After a careful consideration of the financial aspect of the matter, it has been decided that it will not be necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium provided the recommendations are not based on the recommendees' good performance under the Provincial Governments.

(Establishment Division O.M. No. 5/1/63-CV/LR. II, dated the 13th March, 1965).

NOTE:—For complete set of Government orders on the subject of "Efficiency Honorarium" please see Section C of Chap. IV (Civil Awards and Recoguition of Merit) of this Volume.

Procedure for confirmation of deputationists.

Sl. No. 2 :

REFERENCE.—*Ministry of Finance letter No. F.* 10(23)-*EGII*/48, *dated the* 10*th June*, 1949 (*Sl. No.* 1).

It has been brought to notice that there have been cases in which permanent officers belonging to a Department or Government while on deputation to another Department or Government have been confirmed in the latter without the formal concurrence of the former which is essential as stipulated in the Ministry of Finance letter No. F. 10(23)-EGII/48, dated the 9th December, 1948. It is requested that when an officer is confirmed in the borrowing Government or Department prior formal concurrence of the lending Government or Department as well as the consent of the officer concerned should be obtained.

(Ministry of Finance letter No. 600-RIII/52, dated the 6th March, 1952).

Sl. No. 2-*A* :

F. R. 14-A(b) provides that the lien suspended under F. R. 14 (a) (2) cannot be terminated while the Government servant remains in Government service except on his written request. The effect of this provision is that in a case where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne, he can retain his suspended lien in his parent cadre for the entire period of his service under the Government, *vide* Government decision below F. R. 14-A. It is possible that the exercise of this right will result in certain administrative difficulties in some cases.

2. These rules have been framed with a view to safeguarding the legitimate rights of Government servants. It is not contemplated that their provisions should be so exploited as to cause administrative inconvenience to Government. In a case therefore, where the competent administrative authority feels that the retention of a suspended lien on the post by a Government servant after his appointment in a substantive capacity to an *ex*-cadre post, for an indefinite period thereafter, if the consent required for its termination under F. R. 14-A(b) is not given, is likely to cause administrative inconvenience, it is open to that authority not to allow, as a purely administrative measure, the making of the substantive appointment on the *ex*-cadre post. This is fully permissible and is not connected with the provisions of these rules. The Ministries and Divisions etc., may kindly note this for guidance and issue suitable instructions to the administrative authorities subordinante to them, emphasising the necessity of having this point considered *before* substantive ap pointments in *ex*-cadre posts of Government servants holer liens or suspended liens in the cadres administered by tffices allowed. In this connection attention is invited to ty. It may of Finance endorsement No. 600-RIII/52, dated only if i si

by him if the exigencies of the public service required it, the need for such considerations does not exist at present. It is the considered opinion of this Ministry that the concessions of the 'next below rule' should not be permitted except in very exceptional circumstances and that too for very short periods. It has been decided, therefore, that the cases wherein the benefit of the 'next below rule" has been conceded should be reviewed forthwith. The Ministry of Interior/etc., should take steps either to obtain the approval of this Ministry for the continuance of that benefit or to revert the Government servant concerned to his parent office.

(Ministry of Finance O.M. No. 1196-R.E.G./47. dated the 7th December, 1947).

Protection of interests of Govt. servants while serving with Mujahid Force and Armed Forces Reserves.

Please See Section C of this Chapter

Procedure for grant of permission to deputationists to cross an Efficiency Bar in a time-scale :

Sl. No. 2-F :

Under the provisions of F. R. 25, the authority competent to withhold increments is empowered to allow an individual to cross an efficiency bar in a time-scale of pay. Further, according to F. R. 24 read with Serial No. 8 of Appendix 4 to the FRs. and S. R.s Volume II, any authority which has power to make a substantive appointment to the post which the Government servant holds, is empowered to withhold increments.

2. Various categories of Government servants are at present on deputation from one office/department to another and cases of allowing them to cross an efficiency bar occur while they are serving in the borrowing office/department. A question has, therefore, been raised whether the borrowing authority, which is competent to make substantive appointment against the post which the deputationist holds in the borrowing office/department, can allow him to cross the efficiency bar in the time scale of pay of the post he was holding in his parent office. The matter has been considered in consultation with the Establishment Division and it has been decided that in such cases the borrowing authority should consult the lending authority before finnally deciding whether or not to allow the Government servant to cross the efficiency bar.

3. The preceding para does not apply to cases where a deputationist is allowed a separate time-scale of pay by the borrowing Department for the period of deputation and the stage for crossing the efficiency bar in that time-scale is reached by the deputationist during the period of deputation. In such cases, the borrowing department may without consulting the lending Department, finally decide whether or not to allow the deputationist to cross the efficiency bar. Should however, a disciplinary case be proceeding or pending against the

deputationist in his parent office, the lending authority should be consulted.

(Ministry of Finance O.M. No. F. 3(50)-RI (RWP)/62, dated the 28th February, 1963).

Ministerial Establishment—Seniority, Promotion, Confirmation, etc., of a deputationist in his parent as well as borrowing office :

Sl. No. 3 :

The following instructions are issued to regulate cases of transfers from one office to another of the ministerial staff employed in the Pakistan Central Secretariat and its Attached Departments with particular reference to the position of a deputationist in his parent office as well as in the borrowing office.

2. *Should temporary transfers to other offices be allowed* (*i*) *as a normal course, or* (*ii*) *only if considered necessary in the public interest.*—Transfers should be allowed only in the public interest. The term " public interest " is explained in paragraph 4 below.

3. *Should a transfer be allowed* (*i*) *normally in the same grade or* (*ii*) *only if it involves promotion.*—It does not appear necessary to lay down any hard and fast rules in this respect, since as stated in paragraph 2 above, transfers will be allowed only, if necessary, in the public interest, and it would, therefore, be immaterial whether a transfer is in the same grade or whether i involves promotion.

4. *What should be done to ensure that the claims to promotion of those already employed in the borrowing office have been satisfied.*—(*a*) It has been decided that, in fairness to the persons employed in the office in which a vacancy occurs, a person from another office should be appointed only if no person eligible and suitable for appointment is available in the office concerned. For this purpose, it should be placed on record by the appointing authority, or the Departmental Promotion Committee concerned, as the case may be, that none of the persons eligible concerned. for appointment from amongst the persons is available in the office The reasons for declaring the persons employed in the office concerned as unfit for appointment to the post in question should be recorded by the authority concerned.

When a person is appointed by transfer in the circumstances stated above, his transfer should be considered to have been made in the public interest.

(*b*) When a transfer becomes necessary in the manner referred to above, it should be arranged between the offices concerned without a reference to any outside authority. It may be pointed out that a transfer should be made only if it si permissible.

permissible under the relevant rules relating to recruitment to the post or service concerned. In this connection attention is also invited to the Establishment Division Office Memorandum No. 54/2/48-Est. (ME), dated the 21st November, 1949 Reproduced at Pages 161—165 in Chapter XXII-Recruitment to Ministerial Establishment).

5. *The position in his parant office of the person transferred temporarily to another office.*—When a transfer has been made in the public interest as explained in paragraph 4 above, the interests of the person concerned should be protected in his parent office until he is confirmed in the borrowing office. For this purpose, when a vacancy occurs in a higher grade in his parent office, the person concerned should be considered therefor, and if he is selected for promotion in accordance with the relevant rules, he should be appointed formally (and not actually) to the post in the higher grade. Similarly, if he was officiating, at the time of his transfer, in post a higher than the one in which he was employed permanently, he should be considered for confirmation in the higher post when his turn comes. This would enable him to occupy on reversion to his parent office, the position which he would have occupied had he not been away on deputation. No financial benefit of the " next below rule " should however, be allowed to him in respect of a promotion nor should he be placed in an advantageous position *vis-a-vis* his collegues in his parent office, by virtue of his promotion, if any, in the borrowing office. In other words, he should be considered, while on temporary deputation to the other office, as a member of his parent office for the purpose of confirmation, promotion, seniority, etc. He should be allowed to revert to his parent office with the agreement of both the lending and the borrowing offices.

6. *Seniority on transfer from one office to another.*—(*i*) The instructions in the foregoing paragraphs regulate the position of a deputationist in his parent office. As regards his seniority in the office to which he is transferred, it should be determined in the following manner :—

(*a*) When it is open to the person concerned to accept or refuse an offer of appointment in another office, he should count his seniority in the new office from the date of his transfer to that office ;

(*b*) When a person is compulsorily transferred to another office as a result of conscription, or along with the post and his work, he should be allowed to count his previous continuous service in the grade towards seniority in that grade in the new office.

It may be pointed out that separate seniority lists should be prepared in respect of (*i*) persons appointed on a permanent or a quasi-permanent basis ; and (*ii*) persons appointed on a purely temporary basis, and the person obtained by transfer from another office should be assigned his appropriate place, in accordance with the above instructions, in the list of the persons to which category he belongs.

(*ii*) The seniority of a person who went on deputation from one office to another before 31st March, 1951 should be determined in his new office, in accordance with the following instructions :—

(*a*) In order to get the benefit of continuous service in a grade, a deputationist be permanent in that grade in his parent office, and not merely eligible for being made permanent. In case, however, he is subsequently made permanent in a grade in his parent office from a retrospective date, his seniority should be changeable in the borrowing Ministry/Department, and he should be considered to be permanent on the date of transfer, and given the benefit of his continuous service in the borrowing Ministry/Department in that grade ;

(*b*) A deputationist can get the benefit of his continuous service in a grade in the borrowing Ministry/Department *only* if he is appointed in the borrowing Ministry against a regular post in accordance with the roster prescribed in the Establishment Division Office Memorandum No. 54/2/48-Ests (ME), dated the 21st November, 1949 (Reproduced at pages 161—165 in Chapter XXII Vol. III). If, however, he is appointed in the borrowing Ministry/Department against a temporary post, he will take seniority with effect from the date he is appointed against a regular post, and all persons in the borrowing Ministry who are permanent in that grade, or have been appointed according to the prescribed roster on the date of the deputationist's temporary appointment, will take seniority over him.

7. *Transfers as a result of conscription.*—The interests of the person transferred compulsorily to another office as a result of conscription should be adequately protected in his parent office as stated in paragraph 5 above. In addition, when his turn for promotion to a higher grade comes in his parent office, he should be appointed to the post actually and be allowed the financial benefit of the "next below rule ".

8. *Transfers along with posts.*—As regards persons who are transferred to another office along with their posts, the question of the protection of their interest in their parent office will not arise, since they will be transferred on a permanent basis and will thus sever their connections with the previous office.

9. *Protection of interests of temporary persons.*—The above instructions apply to persons who hold permanent posts in their parent offices. As regards persons employed on a temporary basis, there is no question of the protection of their interests in their previous office, since, on transfer to another office, they will automatically cease to be members of their previous office. If however, an occasion arises in which a temporary person is compulsorily transferred to another office as a result of conscription, the question regarding the protection of his interests in his original office should be decided in consultation with the Establishment Division.

10. *Persons holding excluded posts.*—Persons employed against "excluded posts" in the Pakistan Central Secretariat and its Attached Departments are not eligible for appointment to posts in the regular cadre, *vide* Establishment Division Office Memorandum No. 54/1/48-Est. (ME), dated the 24th August, 1948 (Reproduced @ pp. 140-141, in Chapter XXII, Vol. III). If a case arises in which a person holding a permanent appointment in the regular cadre is appointed temporarily to a post in the "excluded cadre", in view of his special or technical qualifications, his case should be considered as one of transfer to another office, and should be dealt with in the light of the instructions contained in the foregoing paragraphs.

11. These instructions take effect from the date of this Office Memorandum. It is necessary that, before a transfer is made, the position of the person concerned, both in his parent office and the borrowing office, should be specifically determined in the light of these instructions and the decision communicated in writing to the person concerned as well as to the office to which he is transferred.

(Establishment Division Office Memorandum No. 6/15/48-ME, dated the 31st March, 1951 read with the Establishment Division Office Memorandum No. 6/39/57-ME, dated the 15th February, 1958).

Protection of interest of temporary ministerial staff on their transfer to other offices :

Sl. No. 4 :

When the right of reversion is given to a temporary person, his case becomes analogous to that of a regular deputationist to some other office. Para 9 of the Office Memorandum, dated the 31st March, 1951 states the normal position in respect of temporary staff. If however, the employing Ministry give the right of reversion to a temporary employee at their discretion, there is nothing wrong in it. The spirit behind the instructions contained in the Office Memorandum, dated the 31st March, 1951 was the protection of interests of deputationists to other offices while they are away.

(Establishment Division u.o. No. 6/17/58-ME, dated the 4th August 1958).

Protection of interests of persons nominated by the Establishment Division to posts in the ministerial establishment on a regular basis in the event of their nomination to higher temporary posts :

Sl. No. 5 :

REFERENCE :—*Para* 9 *of the Establishment Division Office Memorandum No.* 6/15/48-*ME, dated the* 31*st March*, 1951 (*Sl. No.* 3).

As a result of nominations against temporary vacancies (now being made by the Establishment Division) cases are likely to arise in which persons already nominated against regular vacancies i,

a lower grade in a particular office will be nominated against temporary vacancies in higher grade, either in the office in which they are at present employed or in some other office. According to the orders referred to above the interests of these persons cannot be protected in their previous office unless they are confirmed therein. The Establishment Division have considered the situation carefully and it has been decided that, with a view to mitigating hardship in such cases, the interests of the persons concerned should be protected in the regular vacancies to which they have already been nominated on their nomination against temporary vacancies, in relaxation of para. 9 of the Establishment Division Office Memorandum, dated the 31st March, 1951.

2. It may be made clear that the said relaxation will be applicable only in the cases of the nature mentioned above.

(Establishment Division Office Memorandum No. 6/15/48-ME, dated the 25th May, 1954).

Counting of period of formal appointment towards increment on reversion to parent offices :

Sl. No. 6 :

Ministerial staff.—It has been decided in consultation with the Ministry of Finance, that the persons on deputation to other offices who are appointed formally (and not actually) to officiate in accordance with paragraph 5 of the Office Memorandum, dated the 31st March, 1951, may be allowed to count the period of such officiating service towards increments in those higher posts, on reversion to their parent offices.

(Establishment Division Office Memorandum No. 6/15/48-MEI, dated the 30th January, 1953).

Sl. No. 7.

The President has been pleased to direct that the following shall be inserted as Government decision No. 17 below Fundamental Rule 30 in the Compilation of the Fundamental Rules and Supplementary Rules, Volume I :—

"A permanent ministerial Government servant who is temporarily transferred from one office to another in the public interest should be considered for promotion to a higher grade in his parent office as and when a vacancy occurs in the higher grade and if he is selected for promotion in accordance with the relevant rules, he should be appointed *pro forma* to the higher grade so that when he reverts to his parent office he can count, for seniority and increments in the higher grade, the period for which he remained on deputation. No monetary benefit in respect of his *pro forma* promotion in the parent office shall be allowed to him while he is on deputation. *Pro forma* promotion in such

cases should be made with effect from a date determined, in accordance with the "next below rule", and not from any earlier date."

[Ministry of Finance O.M. No. F (5)-R.I., (RWP)/62, dated the 21st April, 1962].

Fixation of pay/allowances of deputationists :

Sl. No. 8 :

It has been brought to notice that Ministries and Divisions frequently sanction "Deputation Allowance" for Government servants without specifying the reason for the allowance.

2. At the outset it may be stated that the term "deputation allowance" has not been used in the Fundamental Rules and under those rules special duty or "deputation within Pakistan" is not recognised *vide* Audit instruction below F.R. 40. Such cases are correctly described as cases of temporary transfer. The use of the term "deputation allowance" to denote an addition to pay or an allowance granted to a Government servant on his transfer from one department to another is technically incorrect and not recognized under the Fundamental Rules. The position under these rules is that :—

(1) if on transfer from one department to another a Government servant is appointed to a post for which pay and allowances have already been fixed he should, ordinarily, draw the pay and allowances attached to that post ;

(2) if he is transferred for temporary duty against a temporary post created for him, the pay of the post has to be fixed in accordance with the principles laid down in F.R. 40 and the Government orders below that rule;

(3) if it is not considered necessary to fix the pay of the post, the officer who is placed on temporary duty draws his own pay but if the duty involves the considerations mentioned in F.R. 9 (25), a suitable special pay is sanctioned to him ;

(4) if, however, the transfer does not attract the provisions of F.R. 9(25) but the grant of a compensatory allowance is justified, *e.g.* where an officer has to incur extra expenditure due, for instance, to the expensiveness or remoteness of the locality to which he is transferred a suitable compensatory allowance is granted.

3. The classification of the additional remuneration, in either of the last two cases, would depend on the reasons for which it is sanctioned.

4. The position stated above may be kept in view while sanctioning additions to emoluments on transfer of Government servants. The terminology used in the sanctions should be strictly in accordance with the terms recognised under the Fundamental

Rules, and the reasons for which additions to emoluments are sanctioned should invariably be specified in the sanction letter.

(Ministry of Finance Office Memorandum No. F. 3(37)-R. II (I), dated the 15th August, 1958.)

Terms and conditions of service of military officers on temporary secondment to the Civil.

[Please *see* Sub-Section B(2), Chapter XXIX, Volume III.]

Sub-Section A(2)

Deputation of Government servants to foreign service in Pakistan

GENERAL

Fundamental Rule 9(7) defines 'Foreign Service' as service in which a Government servant receives substantive pay with the sanction of the Government from any source other than the revenues of the Central or Provincial Government or the Railway Fund. This definition also covers the cases of temporary transfers of Government servants to local bodies, public corporations statutory bodies, etc.

2. Unlike the case of Government servants on deputation to other Government departments, comprehensive rules exist to regulate the deputation of Government servants to foreign service. Attention in this connection is invited to rules and administrative instructions contained in—

(*i*) Chapter XII of the Fundamental and Supplementary Rules, Volume I ;

(*ii*) Fundamental Rule 26(*d*) and Supplementary Rules 307 and 307(A) ;

(*iii*) Appendix 11 (revised) of the Fundamental and Supplementary Rules, Volume II ; and

(*iv*) Part VI of Appendix 3 and Appendix 8 of the Fundamental and Supplementary Rules, Volume II.

3. The above rules and administrative instructions specify the circumstances in which transfers to foreign service can be sanctioned, the extent to which interests of deputationists in the matter of pay, promotion, confirmations etc., in their parent offices can be protected, and the terms and conditions which should govern their service with the foreign employer. This sub-section incorporates instructions recently issued by the Government to regulate the procedure for sanctioning of transfer of Government servants to foreign service in Pakistan, and fixation of their emoluments while on deputation to foreign service, etc.

Powers of the Provincial Governments to decide terms of deputation of C.S.P., P.S.P., G.A.R., etc., Officers.

Please *see* Sub-Section A(5) Chapter V of this Volume.

Procedure for sanctioning transfer of Government servants to foreign service in Pakistan :

Sl. No. 9 :

The President has been pleased to decide that all cases of transfer to foreign service in Pakistan, in which it is proposed to sanction pay and allowances in foreign service in excess of those which the Government servant would draw from time to time if he were in Government service or in which it is proposed to give any other concession of pecuniary value, excepting those specified in paragraphs 5—7 of the revised Appendix 11 to the Fundamental and Supplementary Rules, Volume II, should be referred to a Committee consisting of the Establishment Secretary and the Finance Secretary (Expenditure) for concurrence before the terms and conditions of transfer to foreign service are sanctioned.

2. An officer of the Establishment Division will be nominated as the Secretary to the Committee. The name of the officer, so nominated, will be communicated to all concerned by the Establishment Division. Al lproposals of the type mentioned above should be referred by the Ministries/Divisions to the Secretary of the Committee (by name). The Secretary of the Committee will obtain the orders of the Committee thereon and convey them to the Ministries/Divisions concerned who will then issue necessary sanction to the terms and conditions of transfer. The sanction letter should contain a paragraph stating that the concurrence of the Committee to the terms and conditions of transfer being sanctioned therein has been obtained. The Secretary of the Committee will endorse one copy of the sanction to the Audit authorities on behalf of the Committee.

3. The President has also been pleased to decide that all past cases of transfer to foreign service in Pakistan should be reviewed by the Committee referred to above. In reviewing such cases, the Committee will also associate the Secretaries of the administrative Ministries concerned. Full particulars of all past cases of transfer to foreign service in Pakistan should, therefore, be sent immediately to the Secretary of the Committee for necessary action stating the terms and conditions of transfer Sanctioned previously and those proposed to be sanctioned now keeping in view the general instructions included in the revised Appendix 11 to the Fundamental and Supplementary Rules, Volume II.

4. In case the decision of the Committee referred to above is not acceptable to the administrative Ministry/Division concerned it may take it up with the Ministry of Finance at the Minister's level.

[Ministry of Finance Office Memorandum No. 403-Regs. (R.W.P.)/ 1960, dated the 14th May, 1960].

Sl. No. 9-A :

It has come to the notice of Government that certain Ministries/Divisions when forwarding the cases for consideration of Foreign Deputation Terms Committee have supplied vague and incomplete information about officers in the proformas. In a particular case it was shown that an officer was holding a substantive appointment when in fact, the officer was not holding any permanent appointment and he had also no lien or any permanent post or service. The result of these irregularities that there was considerable delay in the disposal of these cases. With a view to ensuring speedy disposal and doing away with unnecessary correspondence, the Ministries/Divisions are requested to make sure that correct and complete informations about officers are supplied to this Division in sextuplicate in prescribed proforma. Needless to say that in future such cases which do not conform to the requsites will not be referred to the F.D.T.C.

(Establishment Division. O.M. No. 3/5/68-A. III, dated the 28th March, 1968.)

Sl. No. 9-B :

It has be en observed that uniform practice is not followed by the Ministries/Divisions in moving this Division to determine the foreign service deputation terms of Central Government Servants sent on deputation. Sometimes the lending Ministry/Division and at times the Ministry/Division controlling the Organisation to which an officer has been sent on deputation refer the case to this Division for fixing the deputation terms.

2. In order to ensure uniform practice, it has been decided that all cases for fixation of deputation terms etc. should be forwarded, where necessary, to this Division by the Ministry/Division controlling the Organisation to which officers concerned have been deputed.

3. The sponsoring Ministry/Division will consult the lending Ministry/Division *i.e.* the Ministry/Division to which officers concerned belong before progressing the deputation terms cases with the Establishment Division.

(Establishment Division O.M. No. 1/63/68-A.III, dated the 31st May, 1968).

Civilians paid from Defence Estimates :

Sl. No. 10 :

The President has been pleased to decide that the orders contained in the Ministry of Finance Office Memorandum No. 403-Regs., (RWP)/60, dated the 14th May, 1960 (Sl. No. 9) shall apply *mutatis mutandis* to Civilians paid from Defence Estimates who are transferred to foreign service in Pakistan.

[Ministry of Finance Office Memorandum No. 6(1)-R.2(RWP)/62, dated the 25th April, 1962].

Foreign Service Terms Committee :

Sl. No. 11 :

E M Form '7' is the prescribed form for referring proposals, for deputation of Government servants to foreign service in Pakistan, to the Foreign Service Terms Committee for their concurrence *vide* paras. 1 and 2 of the Ministry of Finance Office Memorandum No. 403-Regs(RWP)/60, dated the 14th May, 1960 (Sl. No. 9).

(Establishment Division Office Memorandum No. 1/1/60-C.V, dated the 1st November, 1961).

Bar against payment of "deputation allowance" to Assistants, Clerks and Stenographers transferred to foreign service in the same capacity :

Sl. No. 12 :

The Foreign Service Terms Committee constituted under the Ministry of Finance Office Memorandum No. 403-Reg (RWP)/60, dated the 14th May, 1960 (at Sl. No. 9. above) have, after a careful consideration, decided that Clerks, Stenographers and Assistants who have been transferred to "foreign service" in the public corporations/statutory bodies in the same capacity, should not be allowed any deputation allowance but should receive the same emoluments as they would have drawn in Government service but for their transfer. The public corporations/statutory bodies should provide residential accommodation to the Government servants employed by them and should charge rent @ 10% of pay only. The difference between the house rent actually paid by the Corporation and that recovered from the Government servants should be paid by the public corporation subject to the condition that the liability of the Corporation does not exceed 10% of the pay of the Government servant.

2. The emoluments of all Clerks, Stenographers and Assistants who are on deputation on 'foreign service' should be re-fixed in accordance with the above rules with effect from the 1st October, 1960. Cases where the parent Ministry/Department of the Government servant is satisfied that an increase in pay, compensatory allowance or any other concession is justified in accordance with the principles laid down in paras. 3 and 4 of the revised Appendix No. 11 to the Fundamental and Supplementary Rules issued under the Ministry of Finance Office Memorandum No. 402-Regs (RWP)/ 60, dated the 14th May, 1960, should be referred to the Committee with full justification. In the meantime, no extra pay, allowances or other concessions should be granted.

(Establishment Division Office Memorandum No. 1/1/60-M, dated the 1st October, 1960).

Bar against deputing officers to lower posts in foreign service.

Sl. No. 12-*A* :

It has come to the notice of the Government that some Ministries/Divisions allowed their officers to go on deputation to foreign service in Pakistan to posts lower in emoluments and responsibility than what they had in the Government. This resulted in wasteful utilisation of Government officers, embarrassment to the officers and difficulties in fixing their emoluments.

2. It has therefore been decided to request the Ministries/ Divisions that they should not henceforth depute any of their officers to a post which is lower in emoluments and responsibility than the one he is holding in his parent office.

(Establishment Division O.M. No. 3/5/68-A. III, dated the 19th March, 1968.)

Emoluments of the chairmen and members of the Autonomous Corporations set up by the Central and Provincial Government :

Sl. No. 13 :

In supersession of the Establishment Division's O.M. No. 2/13/61-CV, dated the 5th September, 1961, the President has been pleased to decide that persons appointed as Chairmen and Members of the autonomous corporations set up by the Central and Provincial Governments (except local bodies & Improvement Trusts) shall be given the following emoluments :—

(A) *Chairmen*

(1) *Pay.*—As a maximum, the pay admissible to an officer on appointment as Secretary to the Central Government. The exact amount of pay would depend in each case on the entitlement of the officer.

(2) **Sumptuary Allowance.*—Chairmen of Corporations who have to entertain on a larger scale than others may be allowed a maximum of Rs. 300 p.m. The case of Chairmen of other Corporations which may be important in themselves but where either entertainment on that scale is not involved or no entertainment is necessary, will be determined on the merits of each case.

*(Please see modified orders reproduced under Sl. No. 14, below.)

(3) *House and House Rent*

(*a*) [Omitted]

(*b*) [Omitted]

(*c*) [Omitted]

(4) *Car Allowance.*—No car allowance will be admissible and no car will be made available for the private use of the Chairman. But where Government is of the

opinion that the officer has to tour extensively at his Headquarters and no staff car is made available to him for this purpose, he may be given a car allowance to compensate him for the local journeys on official business performed by him in his private car.

(B) *Members*

(1) *Pay.*—As a maximum the pay admissible to an officer on appointment as Joint Secretary to the Central Government.

(2) *House Rent.*—as for Chairmen.

(3) *Car Allowance.*—as for Chairmen.

2. The competent authority for sanctioning the above emoluments will be

(*a*) in the case of Central Government employees : the Central Government;

(*b*) in the case of Provincial Government employees : the Provincial Government concerned ;

(*c*) in the case of others : the Government controlling the corporation in question.

3. These decisions will come into force with immediate effect. Where Government feels committed that the existing terms of his appointment do not permit of a change in the case of Chairman or a Member already holding charge as such, the case will be reported to the Central Government for decision. The first opportunity such as expiry of the terms of appointment of the officer will, anyhow, be taken to bring the emoluments of these incumbents in line with the above orders.

(Establishment Division O.M. No. 7/8/61-CV, dated the 21st February, 1963).

Sl. No. 13-*A* :

In partial supersession of the Establishment Division O.M. No. 1(1)/60-M, dated the 1st October, 1960, the President has been pleased to decide that Government servants who have been transferred to foreign service in the public corporations/statutory bodies should be provided residential accommodation by public corporations/statutory bodies at the following scale :—

(a) *For Lahore, Karachi, Dacca & Chittagong.*—Residential accommodation on the scale laid down by the West Pakistan and East Pakistan Governments respectively for officers of the same status/pay and under the same conditions and charging of house rent @ 10% of pay

(*b*) *For Rawalpindi.*—Residential accommodation may be provided, and rent charged on the basis laid down by the Central Government for its employees.

(c) *For other places.*—Provision of house, and subsidization of rent by the corporation to the maximum of *10% of the pay of the officer.

(Establishment Division O.M. No. 7/8/61-CV, dated the 27th February, 1963).

*NOTE :—Please see modified orders under Sl. No. 13-B.

Sl. No. 13-*B* :

In partial modification of the orders contained in the Establishment Division O. M. No. 7/8/61-CV dated the 27th February, 1963 and para 1(3) (a) of O. M. No. 7/8/61-CV, dated 21st February, 1963 the President has been pleased to decide that the recovery of house rent by the corporations/autonomous bodies should be made at the rate of 7½% emoluments of the Government servants concerned instead of 10% of pay.

2. These orders will take effect from 1st June, 1964.

[Establishment Division O.M. No. 3/5/64-CV (LR. II), dated the 30th October, 1964].

Sl. No. 14 :

Entertainment/Sumptuary Allowances.—The question of reviewing the Sumptuary Allowance admissible to various officers under the Central Government, including the statutory and autonomous bodies under their administrative control has been under consideration of the Government. The President is now pleased to decide that instead of allowing an Entertainment/Sumptuary allowance as at present admissible, the expenditure on this account should be met from the Contingent grant subject to the condition that the total expenditure does not exceed Rs. 300 P.M.

2. In the case of entertainment offered at the residence of the officer, the expenses should be reimbursed only if the Chief Guest is a Foreigner or an Ambassador. In such a case, the officer concerned should not be required to produce vouchers but should give the following certificate :—

" Certified that the amount claimed was actually spent on entertainment as provided for in para 2 of the Ministry of Finance O. M. No. 6(11)-R4/66, dated 27-8-1966."

3. These orders will apply only to the following categories of officers :—

(*a*) Chairmen of major autonomous Corporations, *i.e.*, where the present Chairmen are in receipt of pay of Secretary to the Central Government.

(*b*) Chief Secretaries to Provincial Governments.

(*c*) Secretaries to Central Government.

4. In the autonomous corporations, the existing entertainment allowance should continue to be given to the existing incumbents to whom they were sanctioned until there is a change of incumbency or until the current tenure of the existing incumbent expires and he is given a new tenure. Thereafter the orders issued in this O. M. shall apply to them.

5. These orders will take effect from the 1st September, 1966.

[Ministry of Finance O.M. No. 6 (11)-R.4/66, dated the 27th August, 1966].

Emoluments of the Directors of NIPA, Lahore, Karachi and Dacca.

Sl. No. 14-*A* :

The Foreign Deputation Terms Committee took the following decisions regarding the fixation of pay of Directors of National Institute of Public Administration at Lahore, Karachi and Dacca :—

(*i*) Except for those officers who may be drawing Joint Secretary's pay to whom no special pay should be allowed, others appointed Directors should be allowed their grade pay *plus* a special pay of Rs. 400 p.m.

(*ii*) They should be allowed free unfurnished accommodation.

(*iii*) Deputation pay should not be allowed to the Directors.

2. In the light of the above decision 20% deputation pay being allowed by East Pakistan Government to the Director, NIPA, at Dacca should be discontinued.

(Establishment Division letter No. 2/28/63-CI, dated the 24th October, 1964).

Sl. No. 14-*B* :

REFERENCE :—*Establishment Division letter No.* 2/28/63-*CI, dated the* 24*th October*, 1964.

In view of the rise in the special pay of Deputy Secretaries to the Central Government from Rs. 400 to Rs. 440/- and in view of 10% increase in the special pay in the posts below the senior administrative grade in the prescribed scales upto 1-12-62, *vide* Ministry of Finance O. M. No. Py-Gz-1(2)IMP/64, dated the 1st May, 1965, the question of raising the special pay of Directors, N. I. P. A., at Karachi, Lahore and Dacca from Rs. 400 to Rs. 440 was placed before the Foreign Deputation Terms Committee. The Committee has considered the proposal in its broader aspects, and has agreed that wherever special pay of Rs. 400 p.m. as admissible to a Deputy Secretary has been allowed to an officer going on deputation including those going to N.I.P.A., it should be changed to Rs. 440 p.m. from the date wherever applicable when 10% increase in special pay was generally allowed.

2. All cases, including those of officers going to N.I.P.A. may be regulated accordingly.

(Establishment Division letter No. 2/28/63-CI, dated the 14th March, 1967).

Sub-Section A(3)

Deputation of Government servants to foreign service out of Pakistan.

GENERAL

The deputation or the transfer of Government servants to 'foreign service *out of Pakistan*' is also regulated by the following rules and administrative instructions :—

(*i*) Chapter XII of the Fundamental and Supplementary Rules, Volume I;

(*ii*) Fundamental Rule 26(d) and Supplementary Rules 30 and 307(A);

(*iii*) Appendices 3(V) and 8 of the Fundamental and Supplementary Rules, Volume II.

2. However, no uniform rules or administrative instructions are in existence to regulate the terms and conditions of deputation of Government servants to 'foreign service out of Pakistan'. The terms and conditions of deputation in their case, are therefore determined on individual basis by the lending offices in consultation with the foreign employers concerned.

Sub-Section A(4)

Special Selection Board and selection of Pakistani Officers/ Nationals for appointment to posts in the CENTO, SEATO and other International Organisations.

GENERAL

The deputation of Government servants to the Central Treaty Organisation, the South-East Asia Treaty Organisation and other International Organisations of which Pakistan is a member is generally covered by the term "foreign service out of Pakistan". However, the deputation of Government servants to the aforesaid Organisations is of much greater importance to the country than the ordinary cases of deputation to foreign service outside Pakistan because the deputationists, while serving with those Organisations are, so to say, represent their country at the International Organisations and not merely serving in their individual capacity.

2. Prior to the 5th February, 1958 the deputation of Government officials to International Organisations like those mentioned

above was dealt with under the ordinary rules and the matter then rested by and large with the administrative Ministries themselves. The Government of Pakistan realising the importance of Pakistan's representation in those Organisations had to constitute the Special Selection Board primarily to select only those who are fully qualified on the basis of their qualifications, experience or their national outlook, to represent their country in those Organisations; and secondly to attain uniform standards of selection. Consequently, all nominations of Government servants for appointments in International Organisations of which Pakistan is a member, are now required to be screened by the D.I.B./ National Security Authority, and cleared by the Special Selection Board and above all require the approval of the President before being finalised.

Constitution and function of the Special Selection Board :

Sl. No: 15 :

The President has decided that a Special Selection Board be set-up in the Establishment Division, with immediate effect, for selecting Pakistani Officers/Nationals for appointment to CENTO and SEATO Secretariat, and other International Organisations, with the following Secretaries as its member :—

1. Establishment Secretary
2. Secretary, Ministry of Defence. } The senior-most among them to be the Chairman of the Board.
3. Secretary, Ministry of External Affairs. } The senior-most among them to be the Chairman of the Board.
4. Co-opted Member .. Secretary of the Ministry concerned with the appointment.

2. All recommendations of the Board will be submitted by the Establishment Division to the President for final orders. The Ministry should obtain the views of the Director of Intelligence Bureau regarding the antecedents of the officer concerned, before referring the case to the Special Selection Board. Those views would be placed before the Board, who would have the authority to over-rule the recommendations of the Director, Intelligence Bureau. In case of difference of opinion between the Director, Intelligence Bureau and the Selection Board, the views of the Director, Intelligence Bureau would be placed before the President when papers are submitted to him by the Establishment Division for final orders.

3. The Ministries/Divisions are accordingly requested that whenever it is proposed to appoint any Pakistani Officer/National to the CENTO and SEATO Secretariat or in some other International Organisations, they should furnish full particulars of the

qualifications, experience, age, etc., and the Character Roll of the officer proposed to be appointed, in the manner mentioned in para. 2 above, to the Establishment Division who would obtain the recommendations of the Special Selection Board and orders of the President to the appointment in question.

(Establishment Division Office Memorandum No. 8/2/58-SE, III, dated the 11th March, 1958 as modified by Office Memorandum of same number, dated the 14th October, 1958).

NOTE.—The Establishment Division Office Memorandum No. 7/4/58-SEIV, dated the 5th February, 1958 regarding appointment of Pakistani officials under the UN has been superseded by the Office Memorandum, dated the 11th March, 1957) Sl. No. 15.)

Procedure for making references to the Special Selection Board :

Sl. No. 16 :

REFERENCE :—*Establishment Division Office Memorandum No.* 8/2/58-*SE.III, dated the* 11*th March*, 1958.

In order to assess the suitability of officers for nomination to posts coming under their purview, the Special Selection Board require that the proposals for their consideration should contain the following material :—

1. Emoluments and classification of the post for which an officer is to be nominated;
2. Existing emoluments and scale of the officers who are to be considered for the post;
3. (*a*) National Security Authority's clearance report regarding the officers (Military and Civilian), proposed to be considered for appointment in CENTO and SEATO SECRETARIT;

   (*b*) D.I.B's clearance report regarding Civilian officers proposed for nomination to all the other International Organisations, *e.g.*, United Nations, ECAFE, etc., of which Pakistan is a member. Particulars of officers, proposed to be nominated, should be invariably supplied, well in time to the D.I.B. (in form E M 8 prescribed for this purpose.) This will facilitate and expedite the clearance of those proposed to be nominated;
4. Eligibility and zone of selection for the post; and
5. Complete and up-to-date Character Rolls of all the officers to be considered.

2. As the Special Selection Board find themselves handicapped in assessing the suitability of officers for a particular post because of lack of material on all the above counts, it is requested that proposals should be sent to the Special Selection Board, in future, only after obtaining the above-mentioned material for their correct appraisal by the latter.

(Establishment Division Office Memorandum No. 8/2/58-SE, III, dated the 8th December, 1958 as modified by Office Memorandum of same number, dated the 16th March, 1959).

Sl. No. 16-*A*.

Sponsoring Ministries/Divisions send cases to the Establishment Dvision for obtaining approval from the President on the recommendations of the Special Selection Board. They do not often observe the instructions issued from time to time regarding sponsoring cases for assignments abroad. The following irregularities are usually being committed:—

(1) Vacancy notices are not circulated adequately.

(2) Sometimes cases are not sent to the Establishment Division and decided by Ministries themselves.

(3) Ministries make the selection themselves and send the cases for obtaining the approval from the Board in respect of the persons selected by them.

(4) Cases are being sent only a couple of days before the expiry of the last date of sending the nominations.

(5) The status and pay of officers who are eligible to apply for the particular posts are not mentioned in the circulars inviting nominations.

(6) The cases are not forwarded in self-contained references.

(7) Incomplete cases are sent. The particulars mentioned below required to be placed before the Special Selection Board in respect of each case, are not furnished:

(i) Bio-data (six copies).

(ii) D.I.B. Clearance Certificate (six copies).

(iii) Existing emoluments and scale of officer nominated.

(iv) Complete and up-to-date character roll.

(v) Eligibility and zone of selection for the post.

(vi) A certificate at Joint Secretary's level to the effect that the officer will be released if selected by the U.N. without detriment to the Government work.

2. It is requested that in future care may be taken to observe the instructions issued and to send cases complete in all respects to the Establishment Division.

3. It takes sometime to obtain decisions from the Board. It is, therefore, requsted that all cases may be sent to the Establishment Division 4 weeks ahead of the time limit keeping in view the above observations and instructions.

(Establishment Division O.M. No. 1/27/67-A. VII, dated the 2nd November, 1967.)

Criteria for nomination/release of officers for service with the International Organisations/Foreign countries.

Sl. No. 16-*B* :

While considering the names of Officers to be nominated for service in internaional organizations or other countries the Secretary, External Affairs, has raised the question whether we can afford to spare officers for the purpose mentioned above.

2. It is important that Pakistan should be adequately represented in the international organizations as well as in newly emergent countries. It is, however, equally essential that we should not spare officers at the expense of our own developmental effort.

3. Under the circumstances, it is suggested that when recommending officers for deputation abroad, Ministries and Departments should keep our internal needs in view and should not recommend any officers whose retention within the country is necessary. Each recommendation should be accompanied by a certificate that the officer can be spared without detriment to the work in Pakistan.

4. You may like to bring this suggestion to the notice of various Departments under your Ministry/Government.

(Establishmen Secretary's d.o. letter No. 10/1/SSB/62-A. VII, dated the 13th November, 1963 to all Secretaries to the Government of Pakistan and Provincial Chief Secretaries).

Sl. No. 16-*C* :

Please refer to para 3 of my D. O. letter No. 10(1)/SSB/62-A. VII, dated the 13th November, 1963.

2. I find that the required certificates to the effect that the officer can be spared without detriment to the work of the Department or Division are being recorded by Section Officers. It may be presumed that the certifying officers are being subject to pressures by those anxious to get assignments abroad. With a view to eliminating the possibility of undue pressure being brought to bear on junior officers I would suggest that the certificates in question may be given by the Head of the Department concerned and countersigned by an officers not below the rank of a Joint Secretary to Government in the relevant Ministry.

3. You may kindly bring the above suggestion to the notice of various Departments under your Ministry/Government.

(Establishment Secretary's D. O. letter N o. 10(1)/SSB/62-A. VII dated the 18th Decmber, 1963 to all Secretaries to the Government of Pakistan and Provincial Chief Secretaries).

Sl. No. 16-*D* :

Please refer to Establishment Secretary's D. O. letter No. 10/1/SSB/62-A.VII, dated the 13th November, 1963.

2. It has been found that a fairly large number of serving officers are being sponsored by various Ministries/Divisions and the Provincial Governments for assignments abroad without giving due consideration to the necessity of their services at home. Our own needs rather than an officer's interest in the job abroad should be the criterion for releasing officers for service abroad. It was in pursuance of this policy that Establishment Secretary issued the circular letter referred to above requiring the Ministries etc. to certify at the level of at least a Joint Secretary that the officers recommended could be spared without deteriment to their work in Pakistan.

3. I would once again remind you that the certificate of release should be given after due care and scrutiny and in no case an officer may be recommended for a job abroad unless an equally good substitute for him is available.

(Establishment Secretary's D.O. letter No. 10(1)/SSB/62-A.VII/ dated the 10th August 1965 to all Secretaries to the Government of Pakistan and Provincial Chief Secretaries).

Bar against sending direct applications, or advance copies or attempting to secure request for services by name, for posts under CENTO, SEATO, etc :

Sl. No. 17 :

According to the Establishment Division Office Memorandum No. 8/2/58-SEIII, dated the 11th March, 1958 (Sl. No. 15), all nominations by the Government of Pakistan, for posts in the CENTO and SEATO Secretariats and in other International Organisations, of which Pakistan is a member, are to be made with the approval of the President, after the Special Selection Board have made their recommendations in respect of them.

2. Clarifications have since been sought by some Ministries as to the procedure that should be followed where a Government servant may have sent an advance copy of application to any of the above Organisations for a post under them or where the services of an officer may be asked for by any of the above Organisations by name. Apparently, in either of the above cases, any adherence to the principle, *viz.*, that all those eligible and available for a post abroad should be duly considered for it, envisaged by the instructions at para. 1 above, was not possible.

3. It has, therefore, been decided that, in future, no Government servant should apply directly or send any advance copy of his application for any post in the CENTO or SEATO Secretariats or any International Organisation of which Pakistan is a member. No Government servant should also make any attempt, in future to secure a request for his services by name for any post under the above Organisations.

4. The Ministries/Divisions are requested kindly to bring this to the notice of all the Government servants under them. They are also requested to ensure that, whenever the SEATO or CENTO Secretariats or any International Organisation of which Pakistan is a member, address any Ministry/Division for nominations from Pakistan for any post under the former, that Ministry/Division should immediately invite recommendations for the post from all such Ministries/Divisions/Provincial Governments as may be concerned. A dead-line for the receipt of such recomme ndations should be fixed in each case, keeping in view the date by which the nomination is to reach the foreign Organisation concerned and the other processes that have to be gone through. The recommendations should then be forwarded to the Estblishment Division along with all the relevant material as detailed in the Establish ment Division Office Memorandum No. 8/(2)/58-SEIII, dated the 8th December, 1958 (Sl. No. 16), for placing the same before the Special Selection Board and for obtaining the orders of the President on the recommendations of the Board.

5. The Establishment Division would, finally, communicate the approved nomination to the Ministry/Division, sponsoring the proposal, for their further suitable action.

(Establishment Division Office Memorandum No. 3/1/59-SE. III, dated the 5th February, 1959).

Extension of tenure of Officers holding posts or assignments in International Organisations.

Sl. No. 17-*A* :

Government have viewed with concern that many of our officers on deputation to international organisations looked forward to their continued existence in such organisations. Such a tendency makes the officers utterly useless for the country and subservient to the wishes of others. It has, therefore, been decided that no extension in the tour of duty of officials, on deputation to international organisations or foreign Governments, should be allowed and that the administrative Ministries concerned should forewarn such agencies with a view to discouraging them from making requests for extension which might place the Government in an embarrassing position.

(Establishment Division O.M. No. 1/23/66-A. VII, dated the 11th October, 1966).

Pension contributions in respect of Government servants transferred to International and Regional Organisations outside Pakistan :

Sl. No. 18 :

In view of the number of Government servants being deputed on foreign service *ex*-Pakistan with International and Regional Organisations, the Ministry of Finance has been considering the

question of laying down some general principles for deciding questions of recovery or remittance of pension contributions in such cases. It has been decided that, while each case will continue to be considered on merits as heretofore, the following broad principles should be observed in dealing with such cases :—

(*a*) Ordinarily, the foreign employer is expected to pay the pension contribution and such contribution should be recovered from him in accordance with the rules;

(*b*) Where the Government is satisfied that there is good and sufficient reason for not making such recoveries from the foreign employer—

(*i*) The contribution should, as a rule, be recovered from the Government servant if the transfer is of his own seeking and/or mainly in his own interest;

(*ii*) As an exception to (i) above, the recovery of the contribution may be waived in consultation with the Ministry of Finance if the Government is satisfied that the transfer is in the public interest and recovery of contribution from the Government servant would cause financial hardship.

2. The Ministries and Divisions, are requested to keep the above principles in view while dealing such cases.

3. These instructions shall not apply to Government servants transferred on foreign service to the Central Treaty Organisation and the South East-Asia Treaty Organisation, regarding which orders will be issued separately.

[Ministry of Finance Office Memorandum No. F. 22 (1)-R/2 (RWP)/60, dated the 10th August, 1961].

CENTO AND SEATO :

Sl. No. 19 :

It has been decided that officials seconded to CENTO/SEATO shall be exempted from payment of pension contributions without levy of Income Tax.

2. The Ministry of External Affairs Office Memorandum No. Pol. II(B)-3/7/60, dated the 15th/16th September, 1961 may be treated as cancelled.

[Ministry of External Affairs Office Memorandum No. Pol. II (E)-3/7/60, dated the 4th December 1961].

Annual Confidential Reports on Officers deputed to Foreign Organisations.

Sl. No. 19-A :

The question of obtaining annual confidential reports on Pakistani Officers on deputation to Foreign Organisations was

under consideration in the Establishment Division. It appeared that :

(*i*) the work of the officers concerned should be deemed to be satisfactory as long as they continue to work with Foreign Organisations and unless an approach is made to the Government of Pakistan for their recall ;

(*ii*) the formalities of getting the reports completed, communication of adverse remarks, if any, representations against it, asking for comments of foreign employers on representations etc., may create an awkward situation.

The Central Public Service Commission also accepted the views in the case of an officer who was on deputation to a Foreign Organisation that the report for the period of his deputation should not be called for.

2. After a careful consideration of the matter it has now been decided that the reports on officers who are on deputation to Foreign Organisations should not be called for.

(Establishment Division O.M. No. 6/5/66-A. II dated the 14th September, 1966).

Terms and conditions of service applicable to Pakistan's Executive Director in IBRD/IMF.

Sl. No. 19-*B* :

The President has been pleased to decide that henceforth the following terms and conditions of service shall be applicable to appointees to the Executive Directorship in the International Bank for Reconstruction and Development/International Monetary Fund from Pakistan :

(1) Pay and allowances and other privileges as admissible from the Bank.

(2) Free conveyance at the expense of the Government of Pakistan for two servants from Pakistan to Washing ton and back.

(3) Accreditation to the IBRD as permanent representative with the rank of Ambassador.

(4) For travel on the business of the Government of Pakistan allowances to be admissible as for other Ambassadors, the Executive Director being his own controlling officer.

(5) *For serving officers only*—Service as Executive Diretor in the IBRD to count for leave and pension without any contribution being recovered. Leave would,

however, not be admissible concurrently with service in the Bank ; whether preparatory to retirement or otherwise.

(6) *For Retired Officers*—Pension as admissible under the rules and conditions of service to be paid in the U.S.A.

(Ministry of Finance O.M. No. F 4 (1)-RI-(RWP)/63, dated the 18th April, 1963).

SECTION B

TRANSFERS

Sub-Section B (1)

Period of tenure of various posts in the Central Secretariat

(Please *see* Chapter III of this Volume. Sl. Nos. 20—23 omitted and transferred to Chapter III).

Sub-Section B(2)

Inter-Provincial transfer of officers and transfers between Pakistan and foreign countries.

Sl. No. 24 :

In pursuance of the recommendations made by the Economy Committee, it has been decided that transfers of officers as between the two Zones of Pakistan and between Pakistan and foreign countries should normally be made only after three years. If a trasnsfer was unavoidable before the expiry of this period, sanction of the Establishment Division should be obtained invariably before the transfer orders are issued by the administrative Ministry.

(Establishment Division Office Memorandum No. 8/6/58-SEI, dated the 23rd April, 1958).

Sub-Section B(3)

Transfers of officers during leave and from one station to another.

Sl. No. 25 :

Tranfers during leave—The Ministry of Finance, etc. are requested to kindly ensure that officers working under them are not transferred as a result of their taking short leave for rest and recreation for which only acting arrangement should be made.

(Establishment Division Office Memorandum No. 8/55/59-Reg. dated the 3rd October, 1959).

Sl. No. 26 :

Transfers from one station to another.—The question of giving due notice to Government servants whom it is proposed to transfer from one station to another has been under consideration by the Government. No hard and fast rules can be laid down in this regard, as situations may arise necessitating the immediate transfer of a Government servant in the interests of the public service. The fact, however, remains that sudden transfers or transfers at short notice involving change of station cause dislocation to the Government servants affected, allowing them little time to plan the education of their children and their other private affairs. In view of this, it has been decided that ordinarily three months' notice should be given to Government servants who are to be transferred from one station to another to enable them to make their plans accordingly.

(Establishment Division Office Memorandum No. 8/19/62-F.I., dated the 4th September, 1962).

Sl. No. 26-A :

Three months' notice ordinarily to be given in terms of the Establishment Division O.M. No. 8/19/62-F. I., dated the 4th September, 1962 to a Government servant who is to be transferred from one station to another should contain some indication as to the station of his posting, so that he may adjust his domestic affairs accordingly.

(Establishment Division O.M. No. 3/19/62-F.I. (Pt). dated the 4th July, 1966).

Sub-Section B(4)

Rules and procedural instructions for transmission of applications of Government servants for appointment to other posts/ services/departments.

Government Servants (Applications for Services and Posts) Rules, 1966.

Sl. No. 27 :

In exercise of the powers conferred by paragraph (*a*) of clause (2) of Article 178 and clause (1) of Article 179 of the Constitution, the President is pleased to make the following rules, namely :

1. **Short title, application and commencement.**—(1) These rules may be called the Government Servants (Applications for Services and Posts) Rules, 1966.

(2) They shall apply to every person who is a member of an All-Pakistan Service or holds any post in connection with the affairs of the Centre except :—

(*a*) persons to whom the Pakistan Railway Establishment Code applies ; and

(*b*) members of such Services and holders of such posts as the Central Government may, by notification in the official Gazette, specify.

(3) They shall come into force at once.

2. **Definitions.**—In these rules,unless there is anything repugnant in the subject or context,——

(*a*) "competitive examination" means a competitive examination held by the Central Public Service Commission or a Provinical Public Service Commission for recruitment to any Service or post and includes any method whatever adopted for recruitment to the Central Engineering·Services ; and

(*b*) "temporary Government servant" means a person who is temporarily employed in connection with the affairs of the Centre, but does not include a person employed on contract or on probation *against a permanent post or as probationer of a ragulary Constituted service.

3. **Manner of making applications.**—No Government servant shall apply for appearing at any competitive examination or for appointment to any post other than the post which, he for the time being, holds except—

(*a*) for appearing at a ministerial services competitive examination through the head of the office, Ministry or Division in which he is employed ; and

(*b*) for appearing at a competitive examination other than a ministerial services competitive examination or for appointment to a Service or post to be filled otherwise than by a competitive examination with the prior permission in writing of the head of the office, Ministry or Division in which he is employed, who may, for reasons to be recorded in writing, refuse such permission if he considers that such permission would not be consistent with the interests of the public service.

4. **Permission to be given or application to be forwarded not more than twice.**—(1) Subject to the provisions of rule 3, the applications of, or permission to, a Government servant for appearing at competitive examinations at which he is otherwise eligible to appear shall not be withheld or refused, but in no case shall the applications be forwarded or permission be granted for appearing at more than two ministerial services competitive examinations during any calendar year or at more

* [Substituted *viede* Est. Div. Notification No. 4/1/57-F-I, dated the 20 the February 1968.]

than two competitive examinations other than ministerial services competitive examinations during the whole service of a Government servant :

Provided that a Government servant appointed on the results of a competitive examination other than a ministerial services competitive examination shall not be permitted to apply for such examination more than once during his whole service.

(2) Subject to the provisions of rule 3, no Government servant shall apply more than twice in any calendar year for, or for appearing at any test or interview for appointment in, or for the transfer of his services to, a service or post to be filled otherwise than by a competitive examination, in another office, Ministry or Division of the Central Government or under the Provincial Government or a public statutory corporation.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the applications of, or permission to, a Government servant employed on cantract for a specified period, for appointment in a Service or post or for appearing at a competitive examination test or interview, may be withheld or refused if it appears that in the event of selection for appointment to any Service or post pursuant to such application, or on the result, of such examination, test or interview, such Government servant will have to be released before the expiry of his period of contract and that such release would not be consistent with the interests of the public service.

5. **Release of Government servants for appointment to a better Serivce or post.**—(1) Where a Government servant who applied in accordance with rule 3 for appearing at a competitive examination is selected for appointment on the result, of such examination, his release for such appointment shall not be withheld or refused if he is a member of a Service in a group and is selected for appointment to a Service in a higher group, but not to a Service in the same or a lower group. For the purpose of this rule, the Central Services are grouped in the following descending order :

1st Group.—Civil Service of Pakistan.
Pakistan Foreign Service.

2nd Group.—Police Service of Pakistan.

3rd Group.—Finance Services eligible for the Economic Pool, *viz.*, Pakistan Audit and Accounts Service, Pakistan Railway Accounts Services, Pakistan Military Accounts Service, Pakistan Taxation Service and Pakistan Customs and Excise Service.

4th Group.—Pakistan Postal Service (Class I) and Pakistan Military Lands and Cantonments Service.

5th Group.—Central Secretariat Service (Class I) and other Class I Services and Posts.

6th Group.—Class II (Gazetted) Services and posts.

7th Group. Non-gazetted Services and posts.

ILLUSTRATION

A Police Service of Pakistan Officer shall be released for appointment to the Civil Service of Pakistan or Pakistan Foreign Service, but not to any of the Finance Services. A Pakistan Taxation Service officer shall not be released for appointment to the Pakistan Audit and Accounts Service ; or a Pakistan Military Lands and Cantonments Service officer to the Pakistan Postal Service (Class I).

(2) If any person who, before his appointment to a Service of the Centre or a post in connection with the affairs of the Centre, had appeared at a competitive examination, test or interview or applied for appointment to a Service or post, is, on the results of such examination, test or interview or pursuant to such application, selected for and offered appointment to a Service or post other than the one to which he belongs or which he holds, his release for such appointment, if desired by him, shall not be withheld or refused.

(3) Notwithstanding anything contained in sub-rules (1) and (2), release before the expiry of the period of contract of a Government servant employed on contract for a specified period may be withheld or refused if such release would not be consistent with the interests of the public service.

6. **Temporary Government servants.**—Notwithstanding anything contained in these rules, the applications of, or permission to, a temporary Government servant for appointment to any Service or post or for appearing at any competitive examination, test or interview or his release on being selected for any Service or post pursuant to such application, or on the results of such examination, test or interview shall not be withheld or refused.

7. **Exemption.**—The President may, in such cases as he thinks fit, exempt any Government servant or class of Government servants from the operation of, or relax the restrictions imposed by, these rules.

8. **Repeal.**—The Government Servants' Applications for Posts (Central Services) Rules, 1953, as amended from time to time, are hereby repealed.

[No. 4/1/57-F.I.]

[Establishment Division Notification No. S.R.O. 593 (K)/66, dated the 8th June, 1966.]

Right of Government servants to apply for higher posts in other offices.

Sl. No. 28 :

It has been decided that normally officials appointed to a grade, either by promotion or by direct recruitment, should—

(a) not be considered for appointment to, and

(b) not be allowed to apply for

posts in other offices of Government or of Statutory bodies to a grade carrying a higher scale, till they have rendered an appreciable length of service in the former grade.

2. This ban will, however, not apply to—

(*i*) appointments made through the Central Public Service Commission or the Central Selection Board ;

(*ii*) posts within the normal promotion prospects of the Government servant concerned, *e.g.* the posts of Section Officers in the case of Superintendents of the Central Secretariat : and

(*iii*) purely temporary Government servants who are not likely to be employed permanently in the office, Ministry, Division, Service or cadre in which they are employed.

3. Departures from the above instructions should be made only in special cases.

4. Attention of all the Divisions is also invited to the fact that the Establishment Division administer the Civil Service of Pakistan, the Police Service of Pakistan, the G.A.R. (General Wing), the Economic Pool, and the Section Officers' cadre. Therefore, cases relating to the deputation to other offices of the Officers of these categories should not be made by the Division in which they are for the time being posted, but should be referred to the Establishment Division for disposal.

[Establishment Division O.M. No. 1/26/61-C. III, dated the 20th February, 1963.]

Sl. No. 28-*A* :

Applications of Section Officers.—The instructions contained in paragraph 5 of the Establishment Division Office Memorandum No. 1/8/52-C.III, dated the 7th August , 1963, (Annexure) are not generally observed by various Ministries/ Divisions while forwarding to this Division the applications of Section Officers for appointment elsewhere.

2. It is reiterated that while forwarding the applications in question to the Establishment Divsion, information on the following points should also be invariably furnished to this Division:—

(1) Pay scale attached to the post applied for.

(2) Method of recruitment to the post in question.

(3) Whether the post in question has been advertised.

(4) Minimum educational qualifications and/or experience prescribed for the post concerned.

(5) A statement showing the educational qualifications, and/or experience of the candidate concerned indicating also whether/he fulfils the requisite qualifications and/or experience.

2. Such applications should be forwarded to the Establishment Division *atleast a fortnight* before the last date prescribed for their receipt by the authorities concerned.

(Establishment Division O.M. No. 1/8/62-C. III, dated the 14th May, 1966).

Annexure

Copy of para 5 of the Establishment Division O.M. No. 1/8/62-C.III, dated the 7th August, 1963.

5. The applications submitted by the Section Officers for appointment elsewhere should also be sent to the Establishment Division who will forward them after scrutiny. Such applications should be referred to the Establishment Division at least a fortnight before the last date prescribed for the receipt of such applications by the authorities concerned. While forwarding such applications to the Establishment Division, information should invariably be furnished on the following points:

(1) Pay scale attached to the post applied for.

(2) Method of recruitment to the post in question.

(3) Whether the post in question has been advertised.

(4) Minimum educational qualifications and/or experience prescribed for the post concerned.

(5) A statement showing the Educational qualifications and/or experience of the candidate concerned indicating also whether he fulfils the requisite qualifications and/or experience.

Forwarding of applictions through proper channel.

Sl. No. 29 :

The rules and instructions referred to in para 2 of the Establishment Division Office Memorandum No. 50/1/48-Ests (ME), dated the 29th May, 1948 (Annexure) require that applications for appointments in other offices should be forwarded through the proper channel. The question has arisen as to what should

be considered the apropriate authority for forwarding applications of the staff employed in a particular office. As only a responsible and fairly senior officer of a Division etc., is generally in a position to know the staff requirements of his Division, it has been decided, in consultation with the Pakistan Public Service Commission, that, in the case of a Ministry or a Division, the forwarding authority should be at least a Deputy Secretary, and in the case of an Attached Department or a Subordinate Office, it should be the Head of the Department or Office, or an officer of rank equivalent to that of a Deputy Secretary designated by him.

[Establishment Division Office Memorandum No. 50/1/48-Ests. (ME), dated the 3rd June, 1948.]

ANNEXURE

NOTE.—The Memorandum reproduced below is only for the purpose of reference as, with the issue of (*a*) Government Servants' (Application for Services and Posts, Rules, 1966) and (*b*) instructions contained in the Establishment Division Office Memorandum No. 37/1/48-Ests (ME), dated the 15th February, 1949 regarding verification of character and antecedents (Reproduced in Chapter XXII), this Memorandum has become out of date.

The Prime Minister of Bahawalpur State, which has acceded to Pakistan, has complained that a number of essential State employees have left their appointments without notice, and taken up employment with the Central or Provincial Governments of Pakistan. This Secretariat agree that it is undesirable, that State (and for that matter, any other State which has acceded to Pakistan) should be deprived of its staff in this manner.

2. So far as persons in the "Service of the Crown", or in any Central Service, are concerned, the following measures were adopted by the (former) Government of India to prevent the drift of Government servants from one office to another :—

(i) Rule of the Government Servants' Applications for Posts (Central Services) Rules, as revised in December, 1943, lays down that—"an applicant for appointment to a Central Service or to any post in a Central Service, should not be eligible for appointment if he is in the service of the Crown in India and has applied without the consent of the Head of the Office, or Department of Government, under which he is employed".

(ii) Instructions were issued in the Home Department Office Memorandum No. 20/25/44-Ests (S), dated the 4th November, 1944, para 1 (5) of which provides :—

"Before any person is employed, he should be asked to state in writing whether he was previously employed in any other office under the Central Government. If he was so

employed, it should be ascertained from the previous employer whether the latter has any objection to his being appointed in any other office. The candidate should be warned that he will be liable to dismissal if he furnishes wrong information".

(iii) Instructions were contained in the standard Application Forms for Services/posts advertised by the Federal Public Service Commission to the effect that applicants should state whether they had been previously employed. If they had been employed in a permanent or a temporary capacity under Government they were required to submit their applications through the Heads of their Departments.

3. The provisions of the above rules and instructions are still in operation, *mutatis mutandis*, but they do not cover the cases of applicants in the employ of the Government of any acceded State (*e.g.*, Bahawalpur) for appointment under the Central Government, or *vice versa*. The purpose of the rules can, however, be secured by their adoption on a reciprocal basis between the Central Government and the States which have acceded to Pakistan. Accordingly it has been decided with the concurrence of the Ministry of Foreign Affairs and Commonwealth Relations that the provisions of the above rules and instructions shall be extended to applicants in the employ of the States which have acceded to Pakistan, who will in their turn issue similar instructions in respect of candidates in the employment of Central Government for appointments under the State concerned.

[Establishment Division Office Memorandum No. 501/48-Ests (ME), dated the 26th/29th May, 1948.]

Sl. No. 30 :

REFERENCE :—*Establishment Division Office Memorandum No.* 50/1/48-*Ests* (*ME*), *dated the* 3*rd June*, 1948.

It has been brought to the notice of the Establishment Division by the Pakistan Public Service Commission that the instructions contained in the Memorandum referred to above are not being generally followed by Ministries/Divisions, and more often applications in response to the Commissions' advertisements are forwarded by the Ministry/Division concerned with endorsements signed by Assistant Secretaries, although the instructions issued in the Office Memorandum referred to above require that the forwarding authority should at least be a Deputy Secretary in the case of Ministries/Divisions. It is accordingly requested that the instructions contained in the Establishment Division Office Memorandum referred to above, should please be followed strictly in forwarding applications.

[Establishment Division Office Memorandum No. 50/1/48-Ests. (ME), dated the 30th March, 1950.]

Avoidance of delay in forwarding applications of the Government servants to the C.P.S.C.

Sl. No. 30-A :

Under the existing orders, all Government servants, whether in Provincial or Central service, have to apply to the Pakistan Public Service Commission in connection with the examinations/ selections held by them, through their respective Heads of Departments or Offices. The last date for the respective applications by the Commission is set down in the Notice relating to every examination conducted by them and in the advertisements issued in connection with selections to be held by them.

2. The Pakistan Public Service Commission have pointed out that many such applications are received in their office long after the closing date, and have hitherto been entertained if the Commission were satisfied that candidates themselves were not at fault. The Commission are not prepared to continue this indulgence indefinitely and desire it to be made clear that in future late applications will not normally be accepted whatever the reason. It is, therefore, requested that care should be taken to see that applications of candidates who apply to the Pakistan Public Service Commission for the Central Superior and Ministerial Services Examinations and selections are not delayed beyond the permitted date, since delay in future will not be condoned.

3. To deprive a candidate of his candidature by reason of a negligent omission to forward his application could be a serious act of irresponsibility.

(Establishment Division letter No. 25/4/53—SE.I, dated the 23rd July, 1953 to all Provincial Governments and Ministries of the Central Government.

Sl. No. 30-B :

REFERENCE:— *Establishment Division letter Na.* 25/4/53—*SEI, dated the 23rd July,* 1953.

It has been reported by the F.P.S.C. that in several cases the applications from departmental candidates for the various competitive examinations/selections held by the F.P.S.C. are forwarded by the Department concerned very late, without regard to the last date prescribed for receipt of applications announced by the Commission. To avoid that departmental delays, the Commission have decided that departmental delays in forwarding the applications of departmental candidates will not normally be condoned. They will be condoned only in exceptional circumstances, which will be considered by the Commission on the merit of each case.

2. In view of what has been stated above it will be very much appreciated if every possible effort is kindly made to ensure that applications from departmental candidates for

ANNEXURE

COPY OF SECTION 9 OF THE COMPULSORY SERVICE (ARMED FORCES) ORDINANCE, 1965 (ORDINANCE NO. XXIV OF 1965)

9. Reinstatement of persons released under the orders of the Board.—(1) Subject to the other provisions of this section, every employer by whom a person was released for service under this Ordinance in pursuance of a notice served under section 6, shall, on the termination of such service, reinstate such person in the employment from which he was released, and if such reinstatement is less favourable to such person than that to which he would, in the ordinary course, have been entitled, give him such employment as is not so less favourable.

Provided that the employer shall not be required to so reinstate or employ any person if such person does not apply or report to him for the purpose within three months of his release from service under this Ordinance.

(2) Where, for any reason, reinstatement or employment under sub-section (1) is not practicable, the employer shall, within seven days from the date on which the person to be reinstated or employed applies or reports himself for reinstatement or employment, make an application to the Manpower Tribunal concerned for exemption from the provisions of sub-section (1) and send a copy thereof to such person.

(3) Upon an application from the employer under sub-section (2), the Manpower Tribunal shall, after such enquiry and hearing as it considers necessary, make an order,—

(a) exempting the employer from the provisions of sub-section (1), in which case the employer shall be required to pay to such person a compensation of a sum not less than six months' remuneration calculated at the rate he was entitled to when he was released by the employer ; or

(b) requiring the employer to reinstate or give employment to such person in terms of sub-section (1), or on such terms and conditions as it may specify in the order.

(4) If any employer contravenes the provisions of sub-section (1), or fails or neglects to carry out the order of the Manpower Tribunal under sub-section (3), he shall without prejudice to any penalty to which he may be liable under section 10, be also liable, if the Court convicting him so directs, to pay as compensation such sum not exceeding six months' remuneration of the person concerned in addition to the compensation as provided under clause (a) of sub-section (3).

(5) Any sum which the employer is required to pay under any order of the Tribunal under sub-section (3)

Training/service with the Pakistan National Guard Battalions :

Sl. No. 31 :

REFERENCE :—*Establishment Division Office Memorandum No. F.* 26/12/50-*SEII, dated the 9th September,* 1950 (*Annexure I*).

As all the Pakistan National Guard Battalions have been disbanded with effect from the 1st July, 1960, the above-mentioned Office Memorandum should be treated as cancelled.

(Establishment Division Office Memorandum No. 8/15/60-E.XII, dated the 6th March, 1961).

ANNEXURE I.—(For reference/information only).

REFERECNE :—*Establishment Division Office Memorandum No. F.* 209/48-*Ests* (*SE*), *dated the* 30*th September*, 1949 (*Annexure II*).

The Government of Pakistan have now decided further that those civilian employees of the Central Government who have joined the P.N.G., and are spared by the Ministeris/Divisions/ Heads of Departments to serve with their Battalions on embodiment will be allowed to retain a lien on their permanent civil appointments under the normal rules. Such military service will count towards increment of civil pay, promotions, pension and gratuity (as the case may be) in permanent posts.

(Establishment Division Office Memorandum No. F. 26/12/50-SEII, dated the 9th September, 1950).

ANNEXURE II.—(For reference/information only).

It has already been decided that the period of training witn the Pakistan National Guard of civilian Government employees who join this organisation should be treated as having been *spent on duty* and that a note should be kept to this effect in the Government servants' Service Books. A question has arisen whether in the case of Gazetted Officers, the period of training of the officers with the Pakistan National Guard may be notified in the official Gazette. In the case of Gazetted Officers, the necessary entries in the Service Books will be made by the Audit Officers concerned on the basis of the notifications in the official Gazette. It has been decided that the period of training of the officers with the Pakistan National Guard may be notified in the Official Gazette.

[Establishment Division Office Memorandum No. F. 209/48-Ests (SE), dated the 30th May, 1949].

Service as Pakistan Army, Navy or Air Force Reserves :

Sl. No. 32 :

REFERENCE :—*Establishment Division Office Memorandum No.* 26/12/50-*SEII, dated* 1*st September,* 1951 (*Annex. to Sl. No.* 33) *regarding service/training with Pakistan National Guard Battalions.*

The question of safeguarding the interests of temporary civilian Government servants who have joined Pakistan Naval Volunteer Reserve or other 'Reserves' has since been considered by the Government of Pakistan and the following instructions are issued on the subject in consultation with the Ministry of Finance.

2. Temporary Government servants who join one or another of the Reserves mentioned in para. 5 below should be considered, during the period of their continuous training with the 'Reserves' or when their unit is embodied, or when they are on active service, as members of their parent offices for the purposes of confirmation, promotion, seniority, etc. This would mean that :—

(*a*) during the period of his service with a 'Reserve' a temporary Government servant would retain his position in the seniority list in the grade concerned, unless he has been promoted to a higher post, *vide* sub-para. (*b*) below ;

(*b*) he should, in his turn, be considered for promotion to a higher post, to which he would have been promoted, had he remained in his office. If selected for pormotion, he should be formally (and not actually) appointed to the post in question and assigned his appropriate place in the seniority list in the higher grade. No financial benefit of the 'next below rule' should, however, be allowed to him, in respect of such a promotion, nor would he be placed on reversion to his parent office in an advantageous position *vis-a-vis* his colleagues by virtue of his promotion, if any, in the 'Reserve';

(*c*) he should be considered for confirmation, if his turn for confirmation comes, in accordance with the normal rules for permanent employment in the service or the post concerned, if he is held eligible and suitable for confirmation, in accordance with the rules he should be confirmed in the post. If, however, his confirmation is subject to the fulfilment of certain condition *e.g.*, passing a departmental test or qualifying at a Pakistan Public Service Commission Examination, the post should continue to be filled on a temporary basis until he has, after reversion, fulfilled the relevant conditions for confirmation during the period, which is specified for the purpose, by the appropriate authority ;

(*d*) the period of his service with the Reserve should count for increments in the time scale(s) of the post(s) held by him in his parent office during that period ;

(*e*) if, during the period of his absence, his services in the temporary post, which he held in his parent office are termination in accordance with his seniority the fact should be intimated to him, through the proper channel, forthwith.

3. If the services of a Government servant are terminated in his parent office, under paragraph 2(*e*) above, and he is latter appointed to an equivalent fresh civilian post on a permanent or temporary basis, the completed years of his approved service, in the Reserve while he held the previous post under Government should count towards increments, for the purpose of the fixation of his pay in the new equivalent post *i.e.*, he should be allowed one increment for each completed year of such service on re-employment in equivalent fresh civilian post on a permanent or temporary basis.

4. It is requested that temporary Government servants, at present employed in and under the Ministry of Finance, etc. may please be informed of the above decision. Substitutes, appointed in place of such temporary personnel should be specifically warned, at the time of their appointment, that their services are liable to be terminated on the reversion of the original incumbents.

5. These orders apply to persons who join for service in the following reserves :—

Pakistan Navy :

For officers—Pakistan Naval Reserve.

—Pakistan Naval Volunteer Reserve.

For ratings—Pakistan Fleet Reserve.

For Women—Pakistan Women's Naval Reserve.

(b) *Pakistan Army* :

(*i*) Regular Reserve of Officers.

(*ii*) Supplementary Reserve of Officers.

(*iii*) Regular Reserve of J. C. Os.

(*iv*) Regular Reserve of other Ranks.

(*v*) Supplementary Reserve of J. C. Os. and other Ranks.

(c) *Pakistan Air Force* :

(*i*) Pakistan Air Force Reserve of Officers.

(*ii*) Pakistan Air Force Volunteer Reserve Officers.

(*iii*) Reserve Airmen.

(*iv*) Voluntary Reserve Airmen.

(Establishment Division Office Memorandum No. 264/52-SEII, dated the 30th January, 1954.)

Sl. No. 32-A :

The question whether civil officers should be permitted to join the Armed Forces Reserves, has been *re*-examined at the request of the Ministry of Defence who had proposed as follows.

(*i*) Ban on civil officers joining Armed Forces Supplementary Reserves should be removed.

(*ii*) Civil officers whose services can be spared by the Heads of Department should be allowed to apply to join the various Reserves.

(*iii*) During an emergency, a high powered Committee should be set up to decide which of these civil officers who had the Armed Forces Supplementary Reserves could be permitted to serve the Armed Forces on the active list, keeping in view the requirements of the Army and the Civil Departments during war time.

The above proposals have been duly considered by the Government of Pakistan and it has been decided that civil officers should be permitted to join the Army, Navy and the Air Force Reserves but the right to recall such officer for military service should be subject to the independent decision at the time of actual emergency in the light of the situation existing at that time. The question of setting up of a high powered Committee consisting of the representatives of both the Ministry of Defence and the Civil Departments concerned, to take such decisions will be decided if and when the occasion arises.

3. These instructions are issued in supersession of those contained in the Establishment Division Office Memorandum of even number, dated the 20th October, 1952.

(Establishment Division O.M. No. 25/111/51/—SEI, dated the 21st June, 1954.)

Sl. No. 32-B.

References have been received in the Establishment Division from time to time from Ministries etc., from which it is observed that there is some confusion on the point whether civil officers should be permitted to join the various reserves only when the Heads of their Departments can spare them. It is therefore necessary to clarify the position for future guidance.

2. The clause " whose services can be spared by the Heads of the Departments " in paragraph 1(*ii*) of the Establishment Division office memorandum No. 25/111/51-SE. I., dated the 21st June, 1954, is meant to give discretion to the Heads of Departments in the matter of allowing officers under them to join the Armed Forces Reserves of Officers. It is in the interest of public service that the Heads of the Departments should be empowered to exercise this discretion.

3. In cases, however, where a person in civil employment is already a member of an Armed Forces Reserve, permission of the Head of the Department concerned to his release for training as and when he is called for, should be assumed, but the military authorities should always route their call through the Head of the Department.

(Establishment Division O.M. No. 25/111/51—SE.I., dated the 15th September, 1955.)

Service as the Supplementary Reserve of Junior Commissioned Officers and other Ranks :

Sl. No. 33 :

The Ministry of Defence have decided to form a Supplementary Reserve of Junior Commissioned Officers and other Ranks, recruitment to which is made from amongst those civilians who are well established in their civil life. The Central Government servants are, therefore, also eligible for enrolment in the Reserve. Since the Reserve is a vital part of our defence, it is of paramount importance that the civil Government servants should get themselves enlisted in the Reserve in as large a number as possible. The rights of those persons who are embodied in the Reserve will remain intact in their civil posts, and will be afforded the same protection as laid down in the Establishment Division Office Memorandum No. 26/12/50-SEII, dated the 1st September, 1951 (Annexure I) and Office Memorandum No. 26/4/52-SEII, dated the 30th January, 1954 (Sl. No. 32).

2. The Ministry of Finance etc., are, therefore, requested to bring the formation of the Reserve to the notice of their employees and persuade them to volunteer themselves for the Reserve. They may also be assured that, on embodiment in the Reserve, their rights in their original posts in the Civil Offices will be protected in terms of the Establishment Division Office Memoranda referred to above.

(Establishment Division Office Memorandum No. 26/12/57-SEII, dated the 22nd October, 1957.)

ANNEXURE 1

The question of safeguarding the interest of temporary civilian Government servants, who have joined the Pakistan National Guards and who are spared by the Ministries/Divisions, etc. to serve with their Battalions on embodiment, has since been considered by the Government and the following instructions are issued on the subject.

2. Under the normal rules no lien can be held on temporary posts. In view of this the temporary Government servants, referred to above, cannot be granted a lien on the posts, which they held, prior to their transfer to serve with the Pakistan National Guards Battalions. In this connection, attention is invited

to paragraph 9 of the Establishment Division Office Memorandum No. 6/15/48-Est(ME), dated the 31st March, 1951 (S No. 3). It has, however, been decided that, as a special case, their legitimate interests in their parent offices should be adequately protected while they are serving with their Battalions. For this purpose, the temporary Government servants concerned should be considered, during the period of their service with their Battalions, as members of their parent offices for the purposes of confirmation, promotion, seniority, etc. This would mean that :—

(*a*) during the period of his service with his Battalion, the temporary Government servant concerned should retain his position in the seniority list in the grade concerned, unless he has been promoted to a higher post, *vide* sub-para. (*b*) below;

(*b*) he should, in his turn, be considered for promotion to a higher post, to which he would have been promoted, had he remained in his office. If selected for promotion, he should be formally (and not actually) appointed to the post in question and should be assigned his appropriate place in the seniority list in the higher grade. No financial benefit of the "next below rule" should, however, be allowed to him, in respect of such a promotion, nor should he, on reversion to his parent office, be placed in an advantageous position *vis-a-vis* his colleagues, by virtue of his promotion, if any, in the Pakistan National Guards;

(*c*) he should be considered for confirmation, if his turn for confirmation comes, in accordance with the normal rules for permanent employment in the service or the post concerned. If he is held eligible and suitable for confirmation, in accordance with the rules, he should be confirmed in the post. If, however, his confirmation is subject to the fulfilment of certain conditions, *e.g.*, passing a departmental test, or qualifying at a Pakistan Public Service Commission Examination, the post should continue to be filled on a temporary basis until he has, after reversion, fulfilled the relevant conditions for confirmation, during the period, which is specified for the purpose, by the appropriate authority;

(*d*) if, during the period of his absence, his services in the temporary post, which he held in his parent office are terminated, in accordance with his seniority, the fact should be intimated to him through the proper channel, forthwith.

3. If the services of the Government servant concerned are terminated in his parent office, *vide* paragraph 2(*d*) above, and he is appointed to a fresh civil post on a permanent or temporary basis, the completed years of his approved service in the Pakistan National Guards Battalion should count towards increments, for the purpose of the fixation of his pay in the new post *i.e.* he

should be allowed one increment for each completed year of such service on re-employment in the fresh civil post on a permanent or temporary basis.

4. It is requested that the temporary Government servants at present employed in and under the Ministry of Finance, etc. may please be informed of the above decisions. Substitutes, appointed in place of temporary personnel proceeding to serve with the Pakistan National Guards Battalions, should be specifically warned, at the time of their appointment, that their services are liable to be terminated, on the reversion of the original incumbents.

(Establishment Division Office Memorandum No. 26/12/50-SE, dated the 1st September, 1951).

Sl. No. 33-A :

In supersession of the instructions contained in the Establishment Division Office Memorandum No. 26/12/57-SEII, dated the 15th April 1958, it is stated that the applications of civil employees for joining Supplementary Reserve of Junior Commissioned Officers, and other Ranks, may be forwarded to the authorities mentioned below :—

(a) *For grant of direct Commission as Jemadar.*

To the Commanding Regiment/Corps Centre of arm/ service concerned, which the individual wishes to join.

(b) *For enrolment as Other Ranks.*

To the nearest Recruiting Officer (Army).

2. Applications for the grant of Commission as Jemadar in the Supplementary Reserve of Junior Commissioned Officers and Other Ranks will be submitted on the prescribed form (PAFY-1952-A) which may be obtained from the nearest Re cruiting Officers (Army). Applications for enrolment as Other Ranks will be submitted on plain paper.

(Establishment Division O.M. 26/12/57—SE.II, dated the 12th December, 1958,)

Sl. No. 34 :

The Ministry of Defence have reported that inspite of their best efforts the response from the Central Government employees to join the Supplementary Reserves of Offices, Junior Commissioned Officers and the Other Ranks remains almost nil.

2. With a veiw, therefore, to popularising these Reserves which are so vital for the defence of Pakistan and to obtaining the desired reponse, the Ministry of Finance, etc. are requested duly to impress upon their employees and those of their Attached and Subordinate Offices the desirability of joining these Reserves.

3. The Application Forms and copies of rules for joining these 'Reserves' may, if required, be obtained direct from the nearest Army Recruiting Offices.

(Establishment Division Office Memorandum No. 8/45/59-Reg., dated the 28th August, 1959).

Training with Ansars Organisation :

Sl. No. 35 :

A question has arisen whether the period spent on training in camps by Central Government emplyees who have joined the Ansars, a Volunteer Organisation sponsored by the Government of East Bengal should be treated as 'duty'.

2. The Government of Pakistan have decided that the period spent by Government servants on such training including the time reasonably required for journeys to and from the place of training, should be treated as 'on duty'.

(Establishment Division Office Memorandum No. 26/12/51-SEII, dated the 4th June, 1951).

Training with Qaumi Razakar Organization :

Sl. No. 36 :

The Government of Pakistan have decided that the period spent by Central Government employees who have joined the Qaumi Razakars Organisation in the Punjab, for training as Qaumi Razakars, should be treated as duty. The time reasonably required for journeys to and from the place of training should also be similarly treated.

(Establishment Division Office Memorandum No. 26/6/53-SEII, dated the 19th May, 1953).

Training with Shahin Air Training Corps :

Sl. No. 37 :

The Government of Pakistan have decided that the period of training of Central Government employees in the 'Shahin Air Training Corps' should be treated as duty. The time required for travel to and from the place of training should also be treated as duty. Such period will not, however, be treated as duty for the purpose of Supplementary Rule 61.

2. The above concession will be admissible to the Government servants who have attained the age of 18 years.

(Establishment Division Office Memorandum No. 26/28/54-SEII, dated the 5th November, 1955).

Training with Pakistan Red Cross Society :

Sl. No. 38 :

The Government of Pakistan have decided that the period spent by the Central Government employees who have joined

the Pakistan Red Cross Society with a view to receiving training in First Aid and Home Nursing, etc., should be treated as duty Such period, however, will not be treated as duty for the purpose of Supplementary Rule 61.

(Establishment Divison Office Memorandum No. 6/5/55-SEII, dated the 25th April, 1955).

Sl. No. 39 :

REFERENCE : *Establishment Division Office Memorandum No.* 6/5/55-*SEII, dated the* 25*th April,* 1955. (*Sl. No.* 38).

The Government of Pakistan have further decided that the period spent by the Central Government employees, who are trained in First Aid and Home Nursing, etc., under the Pakistan Red Cross Society, if called upon to serve in emergencies like floods, flue, etc., should be treated as duty. Such period, however, will not be treated as duty for the purpose of Supplementary Rule 61.

(Establishment Division Office Memorandum No. 6/5/55-SEII, dated the 1st November, 1958).

Participation in International Sporting Events :

Sl. No. 40 :

A question has been raised as to how the period of absence of those Government servants who are selected to represent Pakistan in International Sporting Events, should be treated. The President has been pleased to decide that all such Government servants, whether temporary or permanent, who are employed under the Central Government should be treated as on duty for the entire period of their absence from duty for participation in International Sporting Events, inclusive of the periods spent on preliminary tests, instructions or preparatory practice.

2. The President is further pleased to direct that during the period of their absence they should be allowed full pay and allowances including the pay and allowances of officiating appointments they would have held if they had remained on duty in their posts under the Government of Pakistan.

3. The above concession will be admissible only to those individuals or members of the National Teams who are required by any of the recognised All-Pakistan Games Associations to participate in an International Sporting Event whether held in Pakistan or abroad, at the invitation of a foreign or Commonwealth Government or an organised games association of any foreign or Commonwealth country.

(Ministry of Finance Office Memorandum No. 18(3)-R.II/57, dated the 29th May, 1957).

Participation in International Scouts Events :

Sl. No. 41 :

The Government of Pakistan have decided that the period spent by the Central Government servants in participating in International Scount Events with the approval of the Heads of their offices will be treated as duty. Such period will not, however, be treated as duty for the purposes of Supplmentary Rule 61 and no travelling allowance will be admissible.

(Establishment Division Office Memorandum No. 8/10/59-E. XII, dated the 16th February, 1960).

Absence for giving evidence in a criminal/civil case :

Sl. No. 42 :

The Establishment Division have had under consideration the question as to how the period of absence of a Government servant who is summoned to give evidence in a court of law on behalf of the Crown in a criminal/civil case, not connected with his official duties, should be granted. It has been decided in consultation with the Ministry of Finance that the preiod of such absence should be treated as spent on duty. No travelling allowance will, however, be admissible.

(Establishment Division Office Memorandum No. 3/50/53-SE.II, dated the 5th July, 1954).

NOTE :—Pl. *See* also sl. No. 6, Chap. XIV, page 110, Vol. II regarding evidence otherwise than on behalf of the State.

Sl. No. 43 :

Admissibility of travelling allowance.

An instance has come to the notice of this Division, where a Government servant had lodged complaint with the police in respect of the theft of his personal property and the police having charge-sheeted the accused, the complainant was summoned to appear before the court to depose to facts within his knowledge and information. A question has arisen as to whether the complainant should be entitled to Travelling Allowance in respect of the journey he has undertaken under orders of the court to depose to facts within his personal knowledge and information, especially when the property involved was his personal property.

2. The question has been examined in this Division in consultation with the Law Division and the Ministry of Finance, and the correct position is that in a case of the nature described above, it did not matter whether the witness was the complainant or any other prosecution witness and whether the evidence was based on his personal knowledge and information or otherwise. The fact remained that as soon as the case was

taken up by the police, the position of the complainant become like that of any other Government witness as the first party was the State and he was a witness on the side of the first party—and, as such, he should get his Travelling Allowance. Had it been a private case that would have been another matter. The next question was how to regulate the Travelling Allowance in such cases. The correct legal and procedural position is further explained hereunder.

3. The administration of justice is a Provincial subject unless the Supreme Court comes into the picture. The Complainant should get the travelling expenses from the Government as much as any other prosecution witness in a case in which the State is the first party as in the case under reference. The complainant (a principal witness on behalf of the State), being a Government servant, would get the travelling allowance of the appropriate class to which his grade entitles him as for a journey on tour. He would draw the travelling allowance from the Department from which he draws his salary, etc., and it would be drawn on the strength of the Court Certificate of attendance to the effect that he attended the Court as a witness and was not paid anything towards his travelling expenses. Thereafter, the amount should be adjusted by book transfer against the appropriate Head of account of the Provincial Government concerned unless the case is conducted by the Central Government or the prosecuting agency is the Central Government in which case it should be adjusted against the Central Government.

(Establishment Division O.M. No. 2/31/63-DI. dated the 29th November, 1963).

CHAPTER X

THE ECONOMIC POOL

CONTENTS

THE ECONOMIC POOL

In 1950 the Government of Pakistan decided to reconstitute, in a slightly modified form, the Finance and Commerce Pool which was intended to serve the specialised needs of the Ministries of Finance, Commerce and Economic Affairs but for various reasons it was not possible for that Pool to function effectively. Consequently, in 1959 it was replaced by the one now in existence ; it is known as the Economic Pool.

2. Since the Government orders and the administrative instructions relating to the old Finance and Commerce Pool are no longer operative and, at best, are only of academic interest, it is considered unnecessary to reproduce them in this Manual.

3. Mention may also be made of the fact that the present Economic Affairs Division which, at the time of the constitution of the Economic Pool, formed a part and parcel of the Ministry of Finance, is now a Division of the President's Secretariat as a result of the re-organisation of the Central Government in the light of the new Constitution. Notwithstanding this change in its complexion, the position of the Economic Affairs Division, so far as its membership of the Economic Pool is concerned, remains unaltered. Besides, the Ministry of Industries is now also included in the Pool Ministries.

SECTION A

THE CONSTITUTION OF THE ECONOMIC POOL

Constitution of the Economic Pool :

Sl. No. 1 :

In the Cabinet Scretariat (Establishment Branch) Resolution No. F.25/2/48-Ests (SEI), dated the 8th November, 1950, the Government of Pakistan announced the decision to reconstitute the Finance and Commerce Pool. For various reasons, it has not been possible for that Pool to function effectively. Having reconsidered the whole matter carefully, Government have decided to constitute a Pool of officers known as "the Eonomic Pool" for he Ministries of Finance, Commerc and Industries. The specialised and increasingly complex character of the work of these Ministries and offices subordinate to them makes it necessary that an expert cadre should be built up to ensure a regular supply to these Ministries, of officers who, apart from having general

administrative qualifications, should have special knowledge and experience of the working of the economic policies of the Government.

2. The conditions of service of officers, the method of recruitment to the Pool, the posting and training of officers and ancillary matters are laid down in the following paragraphs. Until the Pool is established and staffed by a sufficient number of officers, recruited specifically for it, it may be necessary for the Government to depart from some of these conditions in individual cases.

3. **Number and character of posts.**—The Pool cadre will consist of the posts enumerated in Annexure I. Posts may in future be added to or removed from this list.

4. **Method of Recruitment, Postings, etc.**—(a) Recruitment will be made from the following Class I Services :—

(1) The Civil Service of Pakistan.

(2) The Pakistan Audit and Accounts Service.

(3) The Pakistan Military Accounts Service.

(4) The Pakistan Railway Accounts Service.

(5) The Pakistan Customs Service, Class I.

(6) The Income-tax Service, Class I.

(7) The Central Excise Service, Class I.

(8) Commercial Secretaries and Attaches and Trade Commissioners (if and when constituted into a separate Service).

(b) The ratio for recruitment to the Pool from these Services will be as follows :—

(1) C. S. P. .. .. .. 60 per cent.

(2) All other Services .. .. 40 per cent.

(c) Appointments to the Pool shall be made on the recommendations of a Pool Establishment Committee consisting of the Members of the Central Selection Board and all the Secretaries in the Ministries of Finance, Commerce and Industries, if they are not already Members of the Central Selection Board. [1][The Establishment Secretary shall act as Chairman of the Pool Establishment Committee and the Deputy Secretary, Establishment Division' dealing with the Central Selection Board shall act as Secretary of the Pool Establihment Committee.] The Establishment Division shall be responsible for the following :—

(1) Obtaining information from the Provincial Governments and the Heads of Central Services and Departments concerned regarding suitable candidates ;

(2) Maintaining the Confidential Reports of prospective and actual Pool officers ; and

(3) Making suggestions for postings and for the general management of the Pool.

(d) Recruitment to the Pool will ordinarily be made in the 6th or 7th year of service, but not later than 35 years of age. For initial recruitment, the Pool Establishment Committee may, however, invite applications without any restriction of age.

(e) Officers who were recruited to the Finance and Commerce Pool in India and are at present serving under the Government of Pakistan will have the right to be members of the Pool.

The Pool Establishment Committee will also consider the suitability of the officers who were finally or provisionally approved for appointment to the Finance and Commerce Pool as reconstituted under the Resolution of 1950.

(f) Promotions will be made strictly on merit, and with due regard to the essential requirements of the public service.

(g) In view of the fact that, to begin with, the Pool will consist of comparatively few men, the bulk of the posts in the Pool cadre will have in the initial stage to be filled by suitable non-Pool officers.

(h) The Pool shall be administered by the Pool Establishment Committee whose recommendations with regard to recruitment shall be submitted to the President, through the [Committee of Cabinet].[2]

(i) Appointments of Secretaries to Government will be made by the President, on the recommendations [of the Committee of Cabinet][3].

5. **Training.**—It is not possible to specify a course of training which will be uniformly applicable to all, but all officers selected will be trained for a period of one year, which will include aperiod of appointment as Attache at the Headquarters of the Central Government. Officers of the Civil Service of Pakistan will receive training in the Accounts Departments, followed by training in the Customs and Income-Tax Departments and the State Bank of Pakistan. Officers belonging to Services other than the Civil Service of Pakistan will be given training in district, revenue and development work and in a branch of service to which they do not belong. For example, officers of the Audit and Accounts Service will be trained in Customs, Income-Tax and Banking, officers of the Customs Service will be trained in Income-tax and *vice-versa*. All officers of the Pool shall, however, receive training for an appropriate period in the State Bank of Pakistan.

It is the intention to give all officers experience in Class 'C' Posts (which would include actual holding of a charge for not less than a year), in at least one of the Central Ministries or Departments. Thereafter, an officer will be eligible for appointment to

one of the Class 'B' posts and in due course to Class 'A' posts. The officers' aptitude for Pool work should be closely watched during the first year and they should not be allowed to continue on probation unless the Pool Establishment Committee is satisfied about their suitability. [4][Officers who have already completed 10 years of service will be exempted from undergoing initial training].

6. **Lien.**—(i) The posts in the Pool will form a separate cadre of officers. Every officer employed in the Pool will, thus, on confirmation be given a lien on a post in the cadre and his lien on the post in his service or cadre of origin will be terminated. The intention is that officers, if found suitable and not earlier reverted, will generally be confirmed in the Pool after [5][5] years probationary service therein and will, on confirmation, be retained for continuous service in the Pool. Officers of all services will have the option to revert to their Service before the expiry of the period of probation but no officer may revert after his confirmation in the Pool.

(ii) No officer, except a Pool C.S.P. Officer, shall be confirmed in the quota of Pool posts reserved for C.S.P. Officers.

*(iii) Notwithstanding their appointment to, and confirmation in, the Pool, the date of retirement of the officers belonging to the former I.C.S. shall continue to be determined in accordance with the rules of that Service.

7. **Seniority.**—The officers appointed to the Pool shall take seniority in the Cadre, with effect from the date of their appointment to Class I Service. In the case of officers belonging to the former I.C.S. where the period of probation did not count as service, a weightage of 3/2 years will be added to the actual period of service depending on whether the officer was recruited up to 1937 (inclusive) or thereafter.

8. **Tenure.**—There will be no fixed tenure for any post in the Pool, but it is the intention that an officer shall not normally hold a particular Class 'C' post for longer than 3 years at a time, nor a particular Class 'B' post longer than 4 years at a time. There will be open to Pool officers certain deputation posts similar in nature and emoluments to those of the posts constituting the Pool.

9. **Pay.**—The grade pay applicable to Pool officers, other than the former I.C.S. Officers, is shown in Annexure II. It will be admissible :—

(a) to officers on "old rates of pay" and "revised rates of pay", when appointed Assistant Commissioner of Income-Tax, or Deputy Collector of Central Excise or to a 'B' Class post, or on completion of 14 years service ;

(b) to C.S.P. Officers on "prescribed rates of pay" when appointed Assistant Commissioner of Income-Tax, or Deputy Collector of Central Excise or to a 'B' Class post, or on completion of 6 years service ;

*NOTE :—Please *see* Chap. V regarding age of retirement of former I.C.S. Officers (now in C.S.P.).

(c) to non-C.S.P. Officers on "Prescribed rates of pay" when appointed Assistant Commissioner of Income-Tax or Deputy Collector of Central Excise or to a 'B' Class post, or on completion of 13 years service.

(2) Officers on "revised rates of pay" shall have the option to elect to draw the grade pay applicable to non-C.S.P. Officers on "prescribed rates of pay". Those officers who elect to do so shall, on appointment to a Class 'A' post, draw pay at the rates applicable to officers on "prescribed rates of pay" instead of the rates applicable to officers on "revised rates of pay".

(3) The pay admissible to Pool Officers, when appointed to posts included in Annexure I to this Resolution, shall be at the rates shown in Annexure III.

(4) The admissibility of the rates shown in Annexure III shall be subject to the following conditions :—

(a) (i) If an officer is appointed to a 'B' Class or 'C' Class Pool post to which he could have been appointed as a non-Pool officer if the post had not been encadred in the Pool, and if in that case he would have received a higher pay than that provided for in Annexure III, then he shall be entitled to draw such higher pay provided that he has completed the length of service prescribed for admissibility of the full pay of the post outside the Pool.

(ii) A C.S.P. Officer on "prescribed rates of pay" holding a 'C' Class Pool post, who has not completed 6 years service, if he would have been drawing pay in senior scale in his own service, shall draw pay in the appropriate Pool scale, instead of the Junior C.S.P. scale in the relevant entries in Annexure III. In that event the special pay of Rs. 200 attached to the post of Under Secretary and equivalent posts shall be reduced to Rs. 150.

(iii) A non-C.S.P. Officer on "prescribed rates of pay" holding a 'C' Class Pool post who has completed 7 years service, or earlier if he would have been drawing pay in the senior scale in his own service shall draw pay in the senior scale of his service instead of the junior scale, in the relevant entries in Annexure III. In that event the special pay of Rs. 200 attached to the post of Under Secretary and equivalent posts shall be reduced to Rs. 150.

(iv) If an officer (other than a former I.C.S. Officer) holding a 'C' Class post is drawing pay in the Pool scale in accordance with paragraph 9(1)(a) to (c) above, the special pay attached to the post of Under Secretary and equivalent posts shall be reduced to Rs. 150.

(v) If a C.S.P. Officer on "prescribed rates of pay" is appointed Assistant Commissioner of Income-Tax or Deputy Collector of Central Excise or to a 'B' Class post earlier than the 7th year of service he shall apart from the special pay, draw pay at the minimum of the Pool scale, and the next increment will accrue to him in the 8th year of service.

(vi) If a non-C.S.P. Officer on "prescribed rates of pay" is appointed as Assistant Commissioner of Income-Tax or Deputy Collector of Central Excise or to a 'B' Class post earlier than the 10th year of service, he shall, apart from the special pay draw pay at the minimum of the Pool scale and the next increment will accrue to him in the 11th year of service.

(b) The rates of pay laid down in Annexure III for the posts of Secretaries shall be admissible to a Pool Officer appointed to hold any of these posts, only if he has completed 22 years Class I Service or 5 years as Joint Secretary or in an equivalent post on the date of his appointment to the post. The rates of pay, laid down in Annexure III for the other Class 'A' posts, shall be admissible to an officer appointed to any of these posts, only if he has completed 17 years Class I Service or 5 years' service as Deputy Secretary or in an equivalent post on the date of his appointment to the post. In case an officer has, on the date of his appointmnt to any of the above posts, not completed the prescribed length of service, his pay shall be regulated according to the following formula :—

> The difference between the pay of the Class 'A' post to which the officer is appointed and the pay, including special pay, if any, admissible to the officer from time to time in the lower post held before promotion to that post shall be worked out and for every year or part thereof, by which the officers' service falls short of the prescribed length of service, 20% of the difference shall be withheld, provided that not more than 80% of that difference shall, in any case, be withheld if the full charge of the post is given.

(c) For the purpose of sub-para. (4) (b) above, the length of service of an officer who, before his appointment to a Class I Service, has rendered service in Class I Gazetted or in non-Gazetted posts, the Class I Service of the officer shall be calculated by either of the following formulæ whichever is more favourable to him :—

(i) by adding to the years of service actually rendered in a Class I Service half of the period of lower

Gazetted service plus one-fourth of the period of non-Gazetted service, if any, provided that in the case of an officer who has rendered service in an emergency cadre created during the war or immediately thereafter the entire service rendered in that cadre shall be counted Class I Service if he was appointed to the cadre by direct recruitment and three-fourth of the service in the cadre shall be counted as Class I Service if he was appointed to the cadre by promotion ;

(ii) if on first appointment to a Class I Service or post the pay of an officer was fixed at a stage higher than the minimum of the time-scale of the service or post by adding to the years of service actually rendered in a Class I Service the number of years for which credit was given to him for initial fixation of pay in that service or post :

Provided that in the case of an officer belonging to the former Indian Civil Service and continuing in service a weightage of three years shall be added to the period of Class I Service arrived at according to the above formulæ, if the officer was recruited up to and including 1937 and a weightage of two years shall be added to the period of service arrived at under the above formulæ if the officer was recruited after 1937.

NOTE.– (a) " Old rates of pay " means the rates of pay which were in force under the late Government of India before the 16th July, 1931, and which continued to apply, after that date, to cfficers who were in the employ of the late Government of India on the 15th July, 1931 and to those who entered service of the late Government of India on or after the 16th July, 1931, but were exempted from the operation of the Revised Rates of Pay Rules, 1933, by special orders ;

(b) " Revised rates of Pay " means the rate of pay laid down in the Revised Rates of Pay Rules, 1933 ; and

(c) " Prescribed rates of Pay " means the rates of pay prescribed under the Central (Gazetted) Civil Services (Revision of Pay) Rules, 1951.

ORDERED that this Resolution should be published in the Official Gazette.

[Cabinet Sectt. Estt. Div. Notification No. 10(1)/57-SE-III, dated the 16th September, 1959].

[ANNEXURE I][6]

List of Posts encadred in the Economic Pool

Class 'A' posts:

Secretaries, Ministry of Finance	2
Secretary, Ministry of Commerce	1
Secretary, Ministry of Industries	1
Member, Central Board of Revenue	3
Joint Secretaries Ministry of Finance	4
Financial Advisers	5
Joint Secretaries, Ministry of Commerce	2
Joint Secretary, Ministry of Industries	1
Director General, Investment Promotion and Supplies Department	1
Economic Minister and Financial Adviser, Washington ..	1
Economic Minister and Financial Adviser, London ..	1
[8] Chief Controller of Imports and Exports	1
	23

Class 'B' posts:

Deputy Secretaries (including Joint and Deputy Financial Advisers) Ministry of Finance	23
Deputy Secretaries, Ministry of Commerce	3
Deputy Secretaries, Ministry of Industries..	3
Commissioner of Income Tax	2
Collectors of Customs and Central Excise	2
Accountants General (or equivalent posts in Civil Military and Railway Accounts Departments)	2
Trade Commissioner of Grade I or Commercial Secretaries ..	6
Director, Trade Promotion and Commercial Intelligence ..	1
Economic Counsellor, Washington	1
Economic Counsellor, Tokyo	1
	44

Class 'C' posts:

Section Officers (including AFAs), Ministry of Finance ..	34
Section Officers, Ministry of Commerce	9
Section Officers, Ministry of Industries	9
Assistant Commissioners of Income Tax	2
Assistant Collectors of Customs and Deputy Collectors of Central Excise	2
Deputy Accountants General (or equivalent posts in Civil, Military and Railways Accounts Deptt.)	3
Trade Commissioners, Grade II or Commercial Attaches ..	4
	63

Total Cadre :—130 *Plus* leave reserve at 10% of total number of posts encadred in the Pool *plus* deputation, reserve at 20% of 'A' class posts and 10% of 'B' class posts *plus* training reserve at 10% of 'C' class posts.

ANNEXURE II

Grade pay of the Pool applicable to non-I.C.S. Officers

Year of service	For officers on 'old' rates of pay	For officers on 'revised' rates of pay	For officers on 'prescribed rates of pay	
			For C.S.P. Officers	For officers of other Services
7th	...	...	700	...
8th	...	...	740	...
9th	..	...	780	...
10th	...	..	820	700
11th	1,000	600	860	740
12th	1,050	625	900	780
13th	1,100	650	940	820
14th	1,150	700	980	960
15th	1,200	750	1,020	900
16th	1,275	800	1,060	940
17th	1,350	900	1,100	980
18th	1,425	1,000	1,150	1,020
19th	1,500	1,050	1,200	1,060
20th	1,600	1,100	1,250	1,100
21st	1,700	1,200	1,300	1,150
22nd	1,800	1,300	..	1,200
23rd	1,900	1,400	..	1,250
24th	2,000	1,500	..	1,300
25th	2,050	1,600	...	...
26th	2,100	1,650	...	...
27th	2,150	1,700	...	...
28th	2,200	1,750	...	...
29th	2,250	1,800	...	...

ANNEXURE III

Rates of pay applicable to Pool Officers

Name of post	For Officers on 'old rates' of pay 'including former I.C.S. Officers	For officers on 'revised rates of pay'	For officers on 'prescribed rates of pay'
1	2	3	4
1. Secretaries	Rs. 4,000	Rs. 3,000	Rs. 2,500
2. (*a*) Joint Secretaries [7](including Members, Central Board of Revenue, Financial Adviser, Ministry of Railways and Communications and Financial Adviser, Ministry of Defence).	Rs. 3,000	Rs. 2,250	Rs. 2,000
(*b*) Director-General, Investment Promotion Bureau.			
[8] (*bb*) Chief Controller of Imports & Exports			
(c) Economic Minister and Financial Adviser, Pakistan Embassy, Washington.	As admissible to diplomatic Ministers.		
(*d*) Economic Minister and Financial Adviser, Pakistan High Commission, London.			

3. (*a*) Deputy Secretaries (including Joint and Deputy Financial Advisers). (*b*) Commissioners of Income-Tax .. (*c*) Collectors of Customs and Central Excise (*d*) Accountants General (and equivalent posts in Military and Railway Accounts Departments).	(*i*) *For former I.C.S. Officers* : Grade pay in the superior time scale of the former I.C.S. *plus* special pay of Rs. 400.	Grade pay in the Pool *plus* special pay of Rs. 400.	Grade pay in the Pool *plus* special pay of Rs. 400.
	(ii) *For others* : Grade Pay in the Pool *plus* special pay of Rs. 400.	..	..
4. (*a*) Assistant Commissioner of Income-tax .. (*b*) Deputy Collector of Central Excise ..	(i) *For former I.C.S. Officers* : Grade pay in the superior time scale *plus* special pay of Rs. 250.	Grade pay in the Pool *plus* special pay of Rs. 250.	Grade pay in the Pool *plus* special pay of Rs. 250.
	(ii) *For others* : Grade pay in the Pool *plus* special pay of Rs. 250.		
5. Under Secretaries (including Assistant Financial Advisers).	(i) *For former I.C.S. Officers* : Grade pay in the Junior time scale of the former I.C.S. *plus* special pay of Rs. 300.	Grade pay in the service or Department to origin *plus* special pay of Rs. 300.	Grade pay in the Junior time scale of the service or Department of origin *plus* special pay of Rs. 200.
	(ii) *For others* : Grade pay in the Service or Department of origin *plus* special pay of Rs. 300.		

NOTE :—In fixing the pay of officers appointed as Economic Minister and Financial Adviser, service, if any, rendered by them as Joint Secretary on full pay prior to appointment as Economic Minister and Financial Adviser shall be counted for increment in the scale applicable to them as Economic Minister and Financial Adviser."] [No. 10/1/57 SE.III]

ANNEXURE III—*contd.*

1	2	3	4
6. (*a*) Assistant Collector of Customs .. (*b*) Deputy Accountant General (and equivalent posts in Military and Railway Accounts).	Grade pay in the time scale of the Service or Department of origin *plus* special pay of Rs. 150.	Grade pay in the time scale of the Service or Department of origin *plus* special pay of Rs. 150.	Grade pay in the Junior time scale of the Service or Department of origin *plus* special pay of Rs. 150.
7. Attaches and Officers on training ..	Grade pay in the time scale of the Service or Department of origin *plus* special pay of Rs. 100.	Grade pay in the time scale of the Service or Department of origin *plus* special pay of Rs. 100.	Grade pay in the Junior scale of the Service or Departm ent of origin *plus* Special pay of Rs. 100.

NOTE : (*As amended up to 19th June, 1967*).

1. Amended *vide* Government of Pakistan (Establishment Division) Notification No. 10(1)/57-SE III, dated 27th December, 1961.
2. Amended *vide* G.P. (Establishment Division) Notification No. S.R.O., 1197(K), dated 7th September, 1960.
3. Amended *vide* G.P. (Establishment Division) Notification No. S.R.O., 101(K)/61, dated 18th January, 1961.
4. Inserted *vide* G.P., President's Secretariat Notification No. S.R.O., 101(K)/61, dated 18th January, 1961.
5. Substituted for " 3 " *vide* G.P., Establishment Division Notification No. S.R.O., 225(K)/61, dated 30th January, 1961.
6. Substituted *vide* G.P., Establishment Division Notification No. 10(1)/57-SE-III, dated 27th December, 1961.
7. Substituted *vide* G.P., Notification No. S.R.O. 548(K)/162, dated 3rd May, 1962.
8. Subsituted *vide* G.P. Notification No. 224 (K) /64, dated the 19th March 1964.

SECTION B

SUPPLEMENTARY ADMINISTRATIVE INSTRUCTIONS

Emoluments of the Pool Officers during training :

Sl. No. 2 :

It has been decided with the concurrence of the Ministry of Finance that the officers selected for Economic Pool will, during the period of their initial training as envisaged in para. 5 of Pool Resolution of 16th September, 1959, draw the same basic pay, special pay and cost of living allowance which was being drawn by them immediately before posting to the Pool Ministries for training.

2. The Ministry of Finance U.O. No. 2045-RI(RWP)/61, dated the 19th September, 1961, refers in this connection.

(Establishment Division Office Memorandum No. 5/5/POOL/61-E.IX, dated the 23rd September, 1961.)

Determination of equivalent posts for admissibility of full pay of Joint Secretary.

Sl. No. 3 :

A reference is invited to para. 9(b) of the Establishment Division Resolution No. 10(1)/57-SE III, dated the 16th September, 1959 and it is stated that it has been decided, with the concurrence of the Ministry of Finance, that for the purpose of determining the equivalent posts, only those posts shall be taken into account which carry the senior scale of pay *plus* the special pay as admissible to a Deputy Secretary at the Centre.

2. The Ministry of Finance U.O. No. 2169-R.I.(RWP)/63, dated the 12th October, 1963 refers in this connection.

(Establishment Division O.M. No. 5/16/63-A.VII, dated the 18th October, 1963).

THE
ESTABLISHMENT MANUAL

APPENDICES AND FORMS

APPENDIX I

THE PAKISTAN ESSENTIAL SERVICES (MAINTENANCE) ACT, 1952.

[1]ACT NO. LIII OF 1952

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE)]

(Received the assent of the Governor-General on the 14th December, 1952.)

An Act to provide for the maintenance of certain essential services.

WHEREAS [2] [* * * *] it is expedient to make provision for the maintenance of certain essential services :

It is hereby enacted as follows :—

1. Short title extent and commencement.—(1) This Act may be called the Pakistan Essential Services (Maintenance Act, 1952.

[5] [* * *]

(3) It shall come into force at once.

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context, 'employment' includes employment of any nature [6] [whether paid or unpaid, and whether in or out of Pakistan.]

[6] [3. **Empolyment to which this Act applies.**—(1) This Act shall apply to every employment under the Central Government, and, subject to the provisions of sub-section (2), to any employment or class of employment which the Central Government may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

(2) No declaration under sub-section (1) shall be made in respect of any employment or class of employment unless the Central Government is of opinion that such employment or class of employment is essential :

(*a*) for securing the defence or the security of Pakistan or any part thereof, or

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[1]For Statement of Objects and Reasons, *see* Gazette of Pakistan, 1952 Pt. IX p. 20.

[2]Om tted by P.O. 13 of 1956 Art. 2 and Sch.
[5]Omitted by Act IX of 1958 s. 2.
[6]Subs. *ibid* 3&4

(*b*) for the maintenance of such supplies or services as relate to any of the matters with respect to which the [7] [Central Legislature] has power to make laws and are essential to the life of the community.

(3) A declaration under sub-section (1) shall remain in force for a period of six months which the Central Government may, by notification in the official Gazette, extend for further periods not exceeding six months at any one time.]

4. **Power to order persons engaged in certain employment to remain in specified areas.**—(1) In respect of any employment under [3] [the Central Government] and in respect of any employment or class of employment [declared] [4] under section 3 to be an employment or class of employment to which this Act applies, the [Central Government][3] or an officer authorised in this behalf by that Government may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the [Central Government or the officer][2] making the order considers best calculated to bring it to the notice of the persons affected by the order.

5. **Offences.**—[8][(1)] Any person engaged in any employment or class of employment to which this Act applies who—

(a) disobeys any lawful order given in the course of such employment, or attempts to persuade any person to disobey any such order, or

(b) without reasonable excuse abandons such employment or absents himself from work [8][or refuses to work or to continue to work, whether or not acting in combination with, or under a common understanding of, any other person engaged in such employment],

or

(c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable excuse—

(*i*) discontinues the employment of such person, or

(*ii*) by closing an establishment in which such person is engaged, causes the discontinuance of his employment,

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[2]Subs. by P.O. 13 of 1956, Art. 2 & Sch.
[3]Subs. by P.O. 13 of 1956.
[4]Ins. *ibid.*
[7]Subs. by P.O. I of 1964, Art. 2 & Sch.
[8]Renumbered and Ins. by Act IX of 1958, s. 5.

is guilty of an offence under this Act.

Explanation 1.—The fact that a person apprehends that by continuing in his employment he will be exposed to increase physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation 2.—A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

[9][(2) Whoever instigates or incites any person engaged in any employment or class of employment to which this Act applies to commit an offence under this Act, or knowingly expends or supplies any money or otherwise acts in furtherance of the commission of such an offence, shall be deemed to have committed that offence.]

6.—**Regulation of wages and conditions of service.** (1) The Central Government [2] [* * *] may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7.—**Penalties and procedure.** (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to a fine.

(2) Where the person accused of an offence under this Act is a Company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of any offence under this Act except upon complaint in writing made by a servant of any Government in Pakistan authorised in this behalf by the Central [2][Government].

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, **(V of 1898.)** an offence under this Act shall be cognizable.

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[9]Renumbered & Ins. by Act IX of 1958 s. 5(*ii*).

[1]Omitted by P. O. 13 of 1956.

[2]Subs. by P.O. 13 of 1956 Art. 2 & Sch.

[10][(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898)—

(a) no Magistrate other than a Magistrate of the first class shall try an offence under this Act ; and

(b) a Magistrate trying an offence under this Act shall have have power to try such offence summarily in accordance with the procedure laid down for summary trial in the said Code.]

[11][7A. The provisions of this Act shall have effect, notwithstanding anything to the contrary contained in the Trade Unions Act, 1926 (XVI of 1926) or the Industrial Disputes Ordinance, 1959 (LVI of 1959), or any other Law.]

8. Bar on legal proceedings.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

9. Saving of effect of laws imposing liability to national service.—Nothing contained in this Act or in any declaration or order made thereunder shall have effect in derogation of any provision of law which is or may be for the time being in force imposing upon a person engaged in an employment or class of employment to which this Act applies any liability to be called up for national service or to undertake employment in the national service.

[12]**[10.—Repeal of OrdinanceXI of 1941 and savings.** (1) The Essential Services (Maintenance) Ordinance, 1941, is hereby repealed.

(2) Notwithstanding such repeal, any order passed or any notification issued or any thing done or any action taken or any proceedings commenced under any of the provisions of the aforesaid Ordinance, in so far as such provisions were in force immediately before the commencement of this Act, shall continue in force and be deemed to have been passed, issued, done, taken or commenced, as the case may be, under the corresponding provision of this Act, as if this Act had been in force on the day on which such order was passed, notification issued, thing done, action taken or proceedings commenced.].

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[10]Sub-sec. (5) Added by Ord. III of 1965, s. 2.

[11]Sec. 7-A Ins. *ibid.*, s. 3.

[12]S. 10 Added and shall be deemed to have been added on 14th December, 1952, by Act No. XXV of 1953, s. 2.

APPENDIX 2

SCALE OF LIVERIES ADMISSIBLE TO CLASS IV EMPLOYEES AND STAFF CAR DRIVERS ETC., UNDER THE CENTRAL GOVERNMENT

SCHEDULE

..........Omitted...........

(Please see Administrative)
Manual.

E. M. Form No. 1

[Mentioned in Section C (1) of Chapter VII].

List of persons dismissed or debarred from Government service.

Ministries/Divisions
Provincial Government

*In the case of persons declared unsuitable by the Public Service Commission.

Serial No.	Name and Permanent address	Educational qualifications	Father's Name and address	Date of birth	Office in which employed and the post held / *Post or service for which he was a candidate	Reasons for dismissal or *disqualification	Height and personal marks of identification, if known
1	2	3	4	5	6	7	8

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A. INSTRUC

1. This form has been designed to cover the basic qua belonging to a specialised service or employed on a of Part II. Ministries/Departments/Provincial Go officers under them, indicating the specific qualities reports. Suitable entry headings relating to these initially prepared by office for individual officers.

2. The report should be initiated by the next higher of with the work of the officer reported upon ; for ex

Officer reported upon
Ministries/Divisions :
(*i*) Section Officer .. .. ..
(*ii*) Deputy Secretary .. .. ..
Attached Departments and Subordinate offices:
(*i*) All Officers (Class I or II) other tha and Deputies to Heads of Department/C
(*ii*) Deputies to Head of Deptt./Office ..
(*iii*) Head of Department/Office .. ..

A]

3. (i) When an adverse remark is made in the confi the earliest opportunity, and in any case withi which should be signed and returned by him the part of the officials concerned to furnish a c

(ii) The officers marking representations against a remark or remarks against the integrity of also render the representation liable to be sum

4. When a report is built up on the individual opinio latter which should be communicated.

5. Remarks in cases where the reporting countersignin

6. Any remarks to the effect that the officer reported u should also be communicated.

7. The adverse remarks should be communicated by the senior officer incharge of establishment matters,

8. A confidential report containing adverse remarks s to the officer concerned and a decision taken on his

B. INSTRUCTIONS FOR THE OFFICER

1. Arrange for the completion of the routine part of

2. On receipt of the completed form from the reportin concerned.

3. Go through each report carefully in order to see if municated to the officer concerned immediately wit the receipt of those remarks by him.

4. Fill column 4 of the folder and watch receipt of repr it to the officer concerned within one month. Place

5. In the case of Class I officers, send the duplicate co concerned with the service to which the officer belo to the administrative Department/Ministry concerned own office.

6. Place the report in the folder [S.121-A(*i*)] and make

E. M. Form No. 1

[Mentioned in Section C (1) of Chapter VII].

List of persons dismissed or debarred from Government service.

Ministries/Divisions

Provincial Government

*In the case of persons declared unsuitable by the Public Service Commission.

Serial No.	Name and Permanent address	Educational qualifications	Father's Name and address	Date of birth	Office in which employed and the post held *Post or service for which he was a candidate	Reasons for dismissal or *disqualification	Height and personal marks of identification, if known
1	2	3	4	5	6	7	8

Confidential report form for Class I and II Officers

(Standard No. S. 121A.)
Revised.

E. M. Form 2

(Mentioned in Sl. No. 3 of Chap. VIII)

GOVERNMENT OF..................

(Name of the Ministry/Division/Departmant/Office) (Name of Service)

ANNUAL / SPECIAL REPORT FOR THE PERIOD 19 TO 19

PART I

1. Name (in block letters)..
2. Designation..
3. Academic Qualifications ....
4. Date of birth ....
5. Total Service ....
6. Knowledge of Languages..
7. Special training ....

Posts held during the Period

Post	Period	Pay and Scale

PLEASE SEE INSTRUCTIONS ON PAGE 4 OF THIS FORM

Chapter X

PART II

The rating should be recorded by initialling the appropriate column or box. The rating denoted by the alphabets is as follows :

'A1' Very good ; 'A' Good ; 'B' Average ; 'C' Below Average ; 'D' Poor.

	A1	A	B	C	D	Remarks
1. Intelligence and mental alertness						
2. Judgement and sense of proportion						
3. Initiative and drive.						
4. Power of expression :						
(a) Writing						
(b) Speech						
5. Ability to plan, organise and supervise work						
6. Quality and output of work ..						
7. Perseverance and devotion to duty						
8. Capacity to guide and train subordinates ..						
9. Co-operation and tact ..						
10. Integrity:						
(a) Intellectual ..						
(b) Moral						
11. Sense of responsibility :						
(a) General						
(b) In financial matters ..						
12. Personality						
**13.						
**14.						
**15.						
**16.						
**17.						

*18. Interest in social welfare	Takes interest in social welfare activities..........	☐	Is inclined to treat this aspect of his duty as routine function.......... ☐
*19. Interest in economic development	Is interested in planning and execution of development schemes..........	☐	Is inclined to treat this aspect of his duty as routine function.......... ☐
*20. Behaviour with public	Is modest and helpful..........	☐	Is inclined to be arrogant.......... ☐
21. Standard of living ..	Lives within known means of income	☐	Reported to be living beyond known means of income.......... ☐
22. Observance of security measures ..	Takes reasonably good care........	☐	Inclined to be negligent.......... ☐
23. Punctuality ..	Punctual..........	☐	Unpunctual ....
*24. Touring ..	Adequate and systematic..........	☐	Inadequate or unsystematic

*To be initialed only when applic...
**Please see instruction A.

PART III

Comparing him with other officers of the same grade, give your general assessment of the officer by initialling in the appropriate column below.

Very Good	Good	Average	Below Average	Poor.	Remarks on special aptitude, if any, e.g., for secretariat, executive, judicial, development or diplomatic work.

FITNESS FOR PROMOTION

(*Initial the appropriate box below*)

Recommended for accelerated promotion ☐

Fit for promotion ☐

Recently promoted ; assessment for further promotion premature ☐

Not yet fit for promotion, but likely to become fit in course of time ☐

Unfit for further promotion, has reached his ceiling ☐

Pen Picture

**Signature of Reporting Officer.*

Date......................196 .

PART IV

REMARKS OF THE COUNTERSIGNING OFFICER

I consider that the assessment made by the Reporting Officer is very good/reasonably good/strict/lenient/biased†.
The remarks underlined in red ink should be communicated in writing ‡.
I have the following remarks to add :

**Signature.*

Date......................196 .

*The name and designation of the reporting/countersigning officer should be typed, written in block letters or rubber stamped below the signature.

†Strike out the entries which are inapplicable.
‡Strike out this sentence if there are no adverse remarks to be communicated.

Chapter X

A. INSTRUCTIONS FOR MINISTRIES, DEPARTMENTS, ETC.

1. This form has been designed to cover the basic qualities of an officer. Where necessary, comments on other qualities required of an officer belonging to a specialised service or employed on a particular kind of duties, should be made in the blank space provided against items 13—17 of Part II. Ministries/Departments/Provincial Governments, etc. should issue administrative instructions in tihs behalf to the reporting officers under them, indicating the specific qualities required for any particular service or post deserving special mention in the confidential reports. Suitable entry headings relating to these qualities should be typed in the space provided against items 13 to 17 when the form is initially prepared by office for individual officers.
2. The report should be initiated by the next higher officer and countersigned by an officer higher than the reporting officer, both being concerned with the work of the officer reported upon; for example—

Officer reported upon	Reporting Officer	Countersigning Officer
Ministries/Divisions :		
(*i*) Section Officer	Deputy Secretary concerned	Jt. Secy. concerned (or Secy., if there is no Jt. Secy.)
(*ii*) Deputy Secretary	Joint Secretary concerned ..	Secretary (If there is no Jt. Secy., report should be initiated by Secy. himself and countersigned by the Minister-in-charge).
Attached Departments and Subordinate offices:		
(*i*) All Officers (Class I or II) other than Heads and Deputies to Heads of Department/Office.	Next higher officer concerned	Officer higher than the reporting officer concerned with the work.
(*ii*) Deputies to Head of Deptt./Office ..	Head of Department ..	Deputy Secretary, Jt., Secretary or Secretary the administrative Ministry, according to the status of the Head of Deptt.
(*iii*) Head of Department/Office	Deputy Secretary, Jt. Secy. or Secretary of the administrative Ministry, according to the status of the officer reported upon.	Secretary of the administrative Ministry or Minister-in-charge when the report has been initiated by the Head of the administrative Ministry).

3. (i) When an adverse remark is made in the confidential report of any officer, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a d.o. letter, a copy of which should be signed and returned by him in acknowledgement of the report. A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse reamakrs to the officer reported upon.
   (ii) The officers marking representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the Reporting officers. Violation of this rule will be considered a misconduct and will also render the representation liable to be summarily rejected.
4. When a report is built up on the individual opinions of the reporting and countersigning officers, it is only the opinion as accepted by the latter which should be communicated.
5. Remarks in cases where the reporting countersigning officer supsends judgement, should not be communicated.
6. Any remarks to the effect that the officer reported upon has or has not taken steps to remedy the defects pointed out to him in a previous year, should also be communicated.
7. The adverse remarks should be communicated by the Head of Ministry/Division/Department/Office in the case of Class I officers and by the senior officer incharge of establishment matters in the case of other officers.
8. A confidential report containing adverse remarks should not be taken into consideration until they have been communicated in writing to the officer concerned and a decision taken on his representation, if any.

B. INSTRUCTIONS FOR THE OFFICERS RESPONSIBLE FOR THE CUSTODY OF CHARACTER ROLLS

1. Arrange for the completion of the routine part of the form and send it to the reporting officer concerned.
2. On receipt of the completed form from the reporting officer, submit it along with relevant character roll, to the countersigning officer concerned.
3. Go through each report carefully in order to see if there are any adverse remarks underlined in red ink. If so, arrange to have them communicated to the officer concerned immediately with the direction that his representation, if any, should be submitted within a fortnight of the receipt of those remarks by him.
4. Fill column 4 of the folder and watch receipt of representation. Arrange to obtain a decision on the representation, if any, and communicate it to the officer concerned within one month. Place a copy of the decision in the dossier.
5. In the case of Class I officers, send the duplicate copy, of the confidential report to the Establishment Division even if that Division is not concerned with the service to which the officer belongs. In the case of Class II Officers, send the duplicate copies of the confidential reports to the administrative Department/Ministry concerned. If the officer belongs to the Ministry, keep the duplicate as well as the original in your own office.
6. *Place the report in the folder [S.121-A(i)] and make necessary entries thereon.* Place the folder in the envelope [S-121-A(*ii*)] and make entries [illegible] with you. [illegible] When you have to send the dossier out, make entries in the relevant columns of the envelope and retain [illegible]
7. If an officer has been receiving adverse remarks for two successive years from the same reporting officer, take up the question of placing him under another reporting officer.

C. INSTRUCTIONS FOR THE REPORTING OFFICERS

1. While reporting on your subordinates—
   (*i*) Be as objective as possible.
   (*ii*) Be as circumspect as possible.
   (*iii*) Be clear and direct, not ambiguous or evasive in your remarks.
   (*iv*) Avoid exaggeration and gross understatement.
2. State whether any of the defects reported have been already brought to the notice of the officer concerned and also whether he has or has not taken steps to remedy them.
3. Fill this form in duplicate by initialling the relevant boxes in both the original and the duplicate copies. You may, if necessary, have your views under "Pen Picture" typed but in that case, affix your signature at the end of the "Pen Picture."
4. Where two or more qualities are bracketted together in Part II and the officer reported upon possesses only one of them, bring this fact out in the "Remarks" column, e.g., if an officer is cooperative but not tactful, say so.
5. After completing Parts II and III, send the form to the officer having custody of the relevant character roll in your office.

D. INSTRUCTIONS FOR THE COUNTERSIGNING OFFICERS

1. Weigh the remarks of the reporting officer against (*a*) your personal knowledge, if any, of the officer reported upon ; (*b*) the previo[illegible] in his character roll, and then give your own remarks in Part IV.
2. If you consider that a particular remark of the reporting officer is wrong and should be expunged, score it out in red ink, in[illegible] and add any other remark which you may consider appropriate. If you do not wholly agree with a remark give your o[illegible] against the relevant entry in the "Remarks" column in Part II or under "Remarks of the Countersigning Officer" in Part [illegible]
3. See whether any adverse remarks were communicated to the officer in a previous year and, if so, whether or not he has t[illegible] the defects pointed out to him. Comment on this aspect unless the reporting officer has already done so.
4. Underline in red ink remarks which in your opinion are adverse and should be communicated to the officer conce[illegible] tructions 3 to 6 under A. Instructions for Ministries, Departments, etc.
5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

E. INSTRUCTIONS FOR THE ESTABLISHMENT DIVISION, CAB[illegible]

1. Keep the duplicate dossiers of all Class I officers carefu[illegible] for use in case [illegible] is lost or misplaced.
2. Towards the middle of [illegible] remind the Ministr[illegible]
3. Where dossier[illegible] concerned [illegible]

E.M. Form 3

Standard No. S. 121-B. (Mentioned in Sl. No. 1 of Chapter VIII.)

SUPERINTENDENTS/ASSISTANTS-IN-CHARGE

Confidential Report

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER, 19 .

NOTE :—This form should be filled according to the instructions contained in the Establishment Division Office Memorandum No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949.

1. Name in full :
2. Total service :
3. Age :
4. Scale of pay and present pay :
5. Date of increment :
6. Observations on :
   (*i*) Superintendence of work in his Branch and the division of duties so that no man has an unduly heavy burden.
   (*ii*) Maintaining order and discipline and checking late attendance.
   (*iii*) Amenability to discipline.
   (*iv*) Capacity for ensuring prompt disposal of work and submission of returns and sense of proportion.
   (*v*) The submission of cases in proper order, *i.e.*, whether all relevant papers are put up and properly referenced without errors and mis-statements.
   (*vi*) Capacity to train, help and advise his less experienced staff.
   (*vii*) Knowledge of procedure and regulations.
   (*viii*) Initiative.
   (*ix*) Ability to handle the most difficult cases.
7. Whether he has been responsible for any outstanding work during the period under review meriting special commendation. If so, what ?
8. Whether he has been reprimanded for indifferent work or for other causes during the period under review. Brief particulars.
9. General remarks.

Signature of Reporting Officer.

Remarks of the Countersigning Officer.

Form S-121. B.

A. INSTRUCTIONS FOR MINISTRIES, DEPARTMENTS ETC.

1. The reports will be initiated by the Branch/Section Officer and will be countersigned by the next higher officer, both being concerned with the work of the person reported upon.

2. When an adverse remark is made in the confidential report of the official reported upon, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a memorandum a copy of which should be signed and returned by him in acknowledgement of the report and be in turn placed in the character roll for record, A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse remarks to the person reported upon.

3. The officials making representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the reporting officers. Violation of this rule will be considered a misconduct and will also render the representation liable to be summarily rejected.

4. When a report is built upon on the individual opinions of the reporting and countersigning officers, it is only the opinion as accepted by the latter which should be communicated.

5. Remarks in cases where the reporting/countersigning officer suspends judgement, should not be communicated.

6. Any remarks to the effect that the person reported upon has or has not taken steps to remedy the defects pointed out to him in a previous year, should also be communicated.

7. The adverse remarks should be communicated by the Senior Officer in charge of establishment matters in the Ministry/Division/Department/Office concerned.

8. Annual Confidential Report containing adverse remarks should not be taken into consideration until they have been communicated following rule A-2 above and a decision taken on the representation, if any, of the person reported upon.

B. INSTRUCTIONS FOR THE OFFICERS RESPONSIBLE FOR THE CUSTODY OF CHARACTER ROLLS.

1. Arrange for the completion of the routine part of the form and send it to the reporting officer concerned.

2. On receipt of the completed form from the reporting officer submit it along with relevant character roll, to the countersigning officer concerned.

3. Go through each report carefully in order to see if there are any adverse remarks underlined in red ink. If so, arrange to have them communicated to the person concerned immediately with the direction that his representation, if any, should be submitted within a fortnight of the receipt of these remarks by him.

4. Arrange to obtain a decision on the representation, if any, and communicate it to the official concerned within one month. Place a copy of the decision in the dossier.

5. Keep the duplicate as well as original copies of the confidential reports in your office.

6. If an official has been receiving adverse remarks for two successive years from the same reporting officer, take up the question of placing him under another reporting officer.

C. INSTRUCTIONS FOR THE REPORTING OFFICERS.

1. While reporting on your subordinates—

(*i*) Be as objective as possible.

(*ii*) Be as circumspect as possible.

(*iii*) Be clear and direct, not ambiguous or evasive in your remarks.

(*iv*) Avoid exaggeration and gross understatement.

2. State whether any of the defects reported have been already brought to the notice of the person concerned and also whether he has or has not taken steps to remedy them.

3. Fill this form in duplicate and affix your signature in both, at the end of the ' general remarks '.

4. After making relevant entries send the form to the officer responsible for custody of the character roll in your office.

D. INSTRUCTIONS FOR THE COUNTERSIGNING—OFFICERS

1. Weigh the remarks of the reporting officer against (*a*) your personal knowledge, if any, of the person reported upon; (*b*) the previous reports in his character roll and then give your own remarks at the end of the report.

2. If you consider that a particular remark of the reporting officer is wrong and should be expunged, score it out in red ink, initial the scoring and add any other remark which you may consider appropriate. If you do not wholly agree with a remark give your own remark either against the relevant entry or at the end of the report.

3. See whether any adverse remarks were communicated to the person concerned in a previous year and if so, whether or not he has taken steps to remedy the defects pointed out to him. Comment on this aspect unless the reporting officer has already done so.

4. Underline in red ink remarks which, in your opinion, are adverse and should be communicated to the person reported upon. Please see also instructions 2 and 4 to 6A. Instructions for Ministries, Departments, etc.

5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

E. M. Form 4

Standard No. S. 121-C. (Mentioned in Sl. No. 1, Chapter VIII).

ASSISTANTS/CLERKS

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER, 19 .

NOTE :—This form should be filled according to the instructions contained in the Establishment Division Office Memorandum No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949.

1. Name in full and qualifications :
2. Class :
3. Scale of pay and present pay :
4. Date of increment :
5. Total service :
6. Age :
7. Branches in which employed during the year with periods :
8. Whether the employee has been careful in observing routine, *e.g.*—
   (*i*) Referencing and paging of notes and correspondence.
   (*ii*) Keeping his files and papers in tidy conditions.
   (*iii*) Prompt and accurate in disposing of work without pressure.
9. Observations on :—
   (*i*) Intelligence.
   (*ii*) Knowledge of procedure and regulations.
   (*iii*) Energy in applying himself to work.
   (*iv*) Behaviour and assistance rendered to other staff.
   (*v*) Amenability to discipline.
   (*vi*) Skill in drafting.
10. Is he doing his present job satisfactorily or not ?
11. Do you consider him fit for promotion ?

General remarks

Signature of Reporting Officer.

Remarks of the Countersigning officer

Form. S-121. C.

A. INSTRUCTIONS FOR MINISTRIES, DEPARTMENT, ETC.

1. The reports will be initiated by the Branch/Section Officer and will be countersigned by the next higher officer, both being concerned with the work of the person reported upon.

2. When an adverse remark is made in the confidential report of the official reported upon, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a memorandum a copy of which should be signed and returned by him in acknowledgement of the report and be in turn placed in the character roll for record. A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse remarks to the person reported upon.

3. The officials making representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the reporting officer. Violation of this rule will be considered a misconduct and will also render the representation liable to be summarily rejected.

4. When a report is built upon on the individual opinions of the reporting and countersigning officers, it is only the opinion as accepted by the latter which should be communicated.

5. Remarks in cases where the reporting/countersigning officer suspends judgement, should not be communicated.

6. Any remarks to the effect that the person reported upon has or has not taken steps to remedy the defects pointed out to him in a previous year, should be communicated.

7. The adverse remarks should be communicated by the Senior Officer in charge of establishment matters in the Ministry/Division/Department/Office concerned.

8. Annual Confidential Report containing adverse remarks should not be taken into consideration until they have been communicated following rule A-2 above and a decision taken on the representation if any, of the person reported upon.

B. INSTRUCTIONS FOR THE OFFICERS RESPONSIBLE FOR THE CUSTODY OF CHARACTER ROLLS.

1. Arrange for the completon of the routine part of the form and send it to tthe reporing officer concerued.

2. On receipt of the completed form from the reporting officer submit it along with relevant character roll, to the countersigning officer concerned.

3. Go through each report carefully in order to see if there are any adverse remarks underlined in red ink. If so, arrange to have them communicated to the person concerned immediately with the direction that his representation, if any, should be submitted within a fortnight of the receipt of those remarks by him.

4. Arrange to obtain a decision on the representation, if any, and communicate it to the official concerned within one month. Place a copy of the decision in the dossier.

5. Keep the duplicate as well as the original copies of the confidential reports in your office.

6. If an official has been receiving adverse remarks for two successive years from the same reporting officer, take up the question of placing him under another reporting officer.

C. INSTRUCTIONS FOR THE REPORTING OFFICERS.

1. While reporting on your subordinates :—

   (*i*) Be as objective as possible.

   (*ii*) Be as circumspect as possible.

   (*iii*) Be clear and direct, not ambiguoius or evasive in your remarks.

   (*iv*) Avoid exaggeration and gross understatement.

2. State whether any of the defects reported have been already brought to the notice of the person concerned and also whether he has or has not taken steps to remedy them.

3. Fill this form in duplicate and affix your signature in both, at the end of the ' general remarks '.

4. After making relevant entries send the form to the officer responsible for custody of the character roll in your office.

D. INSTRUCTIONS FOR THE COUNTERSIGNING OFFICERS

1. Weigh the remarks of the reporting officer against (*a*) your personal knowledge, if any, of the person reported upon; (*b*) the previous reports in his character roll and then give your own remarks at the end of the report.

2. If you consider that a particular remark of the reporting officer is wrong and should be expunged, score it out in red ink,

initial the scoring and add any other remark which you may consider appropriate. If you do not wholly agree with a remark give your own remark either against the relevant entry or at the end of the report.

3. See whether any adverse remarks were communicated to the person concerned in a previous year and if so, whether or not he has taken steps to remedy the defects pointed out to him. Comment on this respect unless the reporting officer has already done so.

4. Underline in red ink remarks which, in your opinion, are adverse and should be communicated to the person reported upon. Please see also instructions 2 and 4 to 6 under A. Instructions for Ministries, Departments etc.

5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

E. M. Form 5.

(Mentioned in Sl. No. 1,
Chapter VIII.)

Standard No. S. 121-D.

CLERKS

Confidential Report

CONFIDENTIAL REPORT ON CLERKS AND TYPISTS FOR THE YEAR ENDING 31st DECEMBER, 19 .

NOTE :—This form should be filled according to the instructions contained in the Estt. Division Office Memorandum No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949.

1. Name in full and qualifications :
2. Class :
3. Scale of pay and present pay :
4. Total service and date of increment :
5. Age :
6. Branches in which employed during the year:
7. Nature of work on which employed :
8. Observations on :
   (*i*) Intelligence.
   (*ii*) Expression.
   (*iii*) Accuracy.
   (*iv*) Proof reading, examination or other work on which he is engaged. Is this accurate ?
   (*v*) Energy and reliability in carrying out the work entrusted to him.
   (*vi*) Attendance.
   (*vii*) Capacity for dealing with (*a*) complex, (*b*) straight-forward, and (*c*) routine cases.
   (*viii*) Behaviour and assistance to other staff.
   (*ix*) Amenability to discipline.
9. Do you consider him fit for promotion to the First Division in your own Office ?
10. Is he considered above or below the average, and reasons for opinion expressed ?
11. Whether he has been responsible for any outstanding work during the period under review ?
12. Whether he has been reprimanded for indifferent work, or for other causes ?
13. General remarks by Branch Officer including remarks as to defects in character, indebtedness, etc.

Signature of Reporting Officer.

Remarks of the countersigning Officer

Form. S-121. D.

A. INSTRUCTIONS FOR MINISTRIES, DEPARTMENTS, ETC.

1. The reports will be initiated by the Branch/Section Officer and will be countersigned by the next higher officer, both being concerned with the work of the person reported upon.

2. When an adverse remark is made in the confidential report of the official reported upon, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a memorandum a copy of which should be signed and returned by him in acknowledgement of the report and be in turn placed in the character roll for record. A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse remarks to the person reported upon.

3. The officials making representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the reporting officers. Violation of this rule will be considered a misconduct and will also render the representation liable to be summerily rejected.

4. When a report is built upon on the individual opinions of the reporting and countersigning officers, it is only the opinion as accepted by the latter which should be communicated.

5. Remarks in cases where the reporting/countersigning officer suspends judgement, should not be communicated.

6. Any remarks to the effect that the person reported upon has or has not taken steps to remedy the defects pointed out to him in a previous year, should also be communicated.

7. The adverse remarks should be communicated by the Senior Officer in charge of establishment matters in the Ministry/Division/Department/Office concerned.

8. Annual Confidential Report containing adverse remarks should not be taken into consideration until they have been communicated following rule A-2 above and a decision taken on the representation, if any, of the person reported upon.

B. INSTRUCTIONS FOR THE OFFICERS RESPONSIBLE FOR THE CUSTODY OF CHARACTER ROLLS.

1. Arrange for the completion of the routine part of the form and send it to the reporting officer concerned.

2. On receipt of the completed form from the reporting officer submit it along with relevant character roll, to the countersigning officer concerned.

3. Go through each report carefully in order to see if there are any adverse remarks underlined in red ink. If so, arrange to have them communicated to the person concerned immediately with the direction that his representation, if any, should be submitted within a fortnight of the receipt of these remarks by him.

4. Arrange to obtain a decision on the representation, if any, and communicate it to the official concerned within one month. Place a copy of the decision in the dossier.

5. Keep the duplicate as well as original copies of the confidential reports in your office.

6. If an official has been receiving adverse remarks for two successive years from the same reporting officer, take up the question of placing him under another reporting officer.

C. INSTRUCTIONS FOR THE REPORTING OFFICERS.

1. While reporting on your subordinates :—

(*i*) Be as objective as possible.

(*ii*) Be as circumspect as possible.

(*iii*) Be clear and direct, not ambiguous or evasive in your remarks.

(*iv*) Avoid exaggeration and gross understatement.

2. State whether any of the defects reported have been already brought to the notice of the person concerned and also whether he has or has not taken steps to remedy them.

3. Fill this form in duplicate and affix your signature in both, at the end of the ' general remarks '.

4. After making relevant entries send the form to the officer responsible for custody of the character roll in your office.

D. INSTRUCTIONS FOR THE COUNTERSIGNING OFFICERS

1. Weigh the remarks of the reporting officer against (*a*) your personal knowledge, if any, of the person reported upon; (*b*) the previous reports in his character roll and then give your own remarks at the end of the report.

2. If you consider that a particular remark of the reporting officer is wrong and should be expunged, score it out in red ink, initial the scoring and add any other remark which you may consider appropriate. If you do not wholly agree with a remark give your own remark either against the relevant entry or at the end of the report.

3. See whether any adverse remarks were communicated to the person concerned in a previous year if so, whether or not he has taken steps to remedy the defects pointed out to him. Comment on this aspect unless the reporting officer has already done so.

4. Underline in red ink remarks which, in your opinion, are adverse and should be communicated to the person reported upon. Please *see* also instructions 2 and 4 to 6A. Instructions for Ministries, Departments, etc.

5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

E. M. Form 6

(Mentioned in Sl. No. 1,
Chapter VIII).

Standard No. S. 121 'E'

STENOGRAPHERS/STENO-TYPISTS

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER 19 .

NOTE :—This form should be filled according to the instructions contained in the Estt. Division Office Memorandum No. F. 5/3/48-Ests. (SE), dated the 1st August, 1949.

1. Name and qualifications :

2. Present pay :

3. Total service and date of increment :

4. Standard of work :

   (*a*) Accuracy.

   (*b*) Speed.

5. Regularity and punctuality in attending office.

6. Amenability to discipline.

7. Whether at times employed on other duties besides those of Stenographer ; if so, nature of duties, and whether carried out satisfactorily.

8. Trustworthiness in confidential and secret matters.

9. General remarks concerning defects of character and indebtedness or other matter it is desired to bring to notice.

Signature of Reporting Officer.

Form. S-121. E.

A. INSTRUCTIONS FOR MINISTRIES, DEPARTMENTS, ETC.

1. The reports will be initiated by the officer to whom the Stenographer/Stenotypist is attached and will be countersigned by the next higher officer, both being concerned with the work of the person reported upon.

2. When an adverse remark is made in the confidential report of the official reported upon, a copy of the whole report should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned with a memorandum a copy of which should be signed and returned by him in acknowledgement of the report and be in turn placed in the character roll for record. A serious view should be taken of any failure on the part of the officials concerned to furnish a copy of the report containing adverse remarks to the person reported upon.

3. The officials making representations against adverse remarks recorded in their confidential reports should not make any personal remark or remarks against the integrity of the reporting officers. Violation of this rule will be considered a misconduct and will also render the representation liable to be summerily rejected.

4. When a report is built upon on the individual opinions of the reporting and countersigning officers, it is only the opinion as accepted by the latter which should be communicated.

5. Remarks in cases where the reporting/countersigning officer suspends judgement, should not be communicated.

6. Any remarks to the effect that the person reported upon has or has not taken steps to remedy the defects pointed out to him in a previous year, should also be communicated.

7. The adverse remarks should be communicated by the Senior Officer incharge of establishment matters in the Ministry/Division/Department/Office concerned.

8. Annual Confidential Report containing adverse remarks should not be taken into consideration until they have been communicated following rule A-2 above and a decision taken on the representation, if any, of the person reported upon.

B. INSTRUCTIONS FOR THE OFFICERS RESPONSIBLE FOR THE CUSTODY OF CHARACTER ROLLS.

1. Arrange for the completion of the routine part of the form and send it to the reporting officer concerned.

2. On receipt of the completed form from the reporting officer submit it along with relevant character roll, to the countersigning officer concerned.

3. Go through each report carefully in order to see if there are any adverse remarks underlined in red ink. If so, arrange to have them communicated to the person concerned immediately with the direction that his representation, if any, should be submitted within a fortnight of the receipt of these remarks by him.

4. Arrange to obtain a decision on the representation, if any, and communicate it to the official concerned within one month. Place a copy of the decision in the dossier.

5. Keep the duplicate as well as the original copies of the confidential reports in your office.

6. If an official has been receiving adverse remarks for two successive years from the same reporting officer, take up the question of placing him under another reporting officer.

C. INSTRUCTIONS FOR THE REPORTING OFFICERS.

1. While reporting on your subordinates —

   (*i*) Be as objective as possible.

   (*ii*) Be as circumspect as possible.

   (*iii*) Be clear and direct, not ambiguous or evasive in your remarks.

   (*iv*) Avoid exaggeration and gross understatement.

2. State whether any of the defects reported have been already brought to the notice of the person concerned and also whether he has or has not taken steps to remedy them.

3. Fill this form in duplicate and affix your signature in both, at the end of the ' general remarks '.

4. After making relevant entries send the form to the officer responsible for custody of the character roll in your office.

D. INSTRUCTIONS FOR THE COUNTERSIGNING OFFICERS.

1. Weigh the remarks of the reporting officer against (*a*) your personal knowledge, if any, of the person reported upon; (*b*) the previous reports in his character roll and then give your own remarks at the end of the report.

2. If you consider that a particular remark of the reporting officer is wrong and should be expunged, score it out in red ink, initial the scoring and add any other remark which you may

consider appropriate. If you do not wholly agree with a remark give your own remark either against the relevant entry or at the end of the report.

3. *See* whether any adverse remarks were communicated to the person concerned in a previous year and if so, whether or not he has taken steps to remedy the defects pointed out to him. Comment on this aspect unless the reporting officer has already done so.

4. Underline in red ink remarks which, in your opinion, are adverse and should be communicated to the person reported upon. Please see also instructions 2 and 4 to 6 under A. (Instructions for Ministries, Departments etc.).

5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

E. M. Form 7

[Please *see* Section A(2) of Chapter IX].

EMPLOYMENT TERMS OF GOVERNMENT SERVANTS ON DEPUTATION TO FOREIGN SERVICE UNDER CORPORATIONS, STATUTORY BODIES, ETC., IN PAKISTAN

Ministry of————————————————
Attached Department/Subordinate Office (if any).

1. Name————————————————

2. Educational qualifications————————————

3. Date of joining foreign service————————————

4. *Position immediately before deputation to foreign service :*

(*a*) Post held under Government————————————

(*b*) Scale of pay————————————————

(*c*) *Emoluments* : Pay————————
Special Pay————————
Other Allowances————————
————————

(*d*) Substantive post (if any) and scale of pay in that post————————————
————————————————————

5. *Position immediately after deputation to foreign service :*

(*a*) Post held immediately after deputation and scale of pay attached to the post————————————

*(*b*) Emoluments ——————————

————————————

————————————

(*c*) Are the responsibilities in this post higher than those in the posts mentioned in 4(*a*) and 4 (*b*) above ? (Brief account of responsibilities in all three posts should be given).

(*d*) House concession, if any normally admissible to empolyees of the same status in autonomous body.

6. *Present Position in foreign service* :

(*a*) Present post in foreign service ——————————

(*b*) Scale of pay ——————————

(*c*) Present emoluments ——————————

——————————

——————————

(*d*) Are the responsibilities in this post higher than those in the post mentioned in 5(*a*) above ?

Signature ——————————

Designation ——————————

Dated ——————————

---

*Full details of the emoluments may be furnished, *i.e.*, Pay. Special Pay, Deputation Pay, Dearness Allowance, Compensatory Allowance, Car Allowance/Free use, House Allowance/Rent Free House, Sumptuary Allowance, etc.

E. M. Form 8

[Mentioned in Section A(4) of Chapter IX].

DEPUTATION OF GOVERNMENT SERVANTS TO INTERNATIONAL BODIES

Personal History

1. Surname...
(In Block Capitals)

2. *If you have changed your surname state any previous surname(s)*...

3. *Christian or other forenames*..............................
(In Block Capitals)

4. *Date of Birth*..

5. Present Nationality..

6. *If naturalised state* :

(*a*) Previous nationality...

(*b*) Naturalisation Certificate No........Date............
Place of issue.......................

7. *Passport No*............Date of issue....................

Place of issue....................

8. *Present address*..

....

9. *Permanent address*.......................................

....

10. *Employment record for last ten years* :

Name of Employer(s)	Nature of work	Place	From	To

11. *Military service (state service No. and units in which you have served)*..............................

12. *Travel in countries outside your country of origin* :

Country	Purpose of visit	From	To
(*a*)			
(*b*)			
(*c*)			
(*d*)			

13. *Offences under civil or military law for which you have been convicted* :

Offence	Date	Nature of Conviction
(*a*)		
(*b*)		
(*c*)		

14. *Membership of clubs, associations or other groups* :

(*a*) ....

(*b*) ....

(*c*) ....

15. *Have you ever been a member of any Communist or Fascist organisation* ?

Name of Organisation	Branch in which registered	Member-ship No.	Date of joining	Date of resignation

16. *Cultural activities* :

(*a*) Societies joined :

(*i*) ....
(*ii*) ....
(*iii*) ....

(*b*) Literary works published :

(*i*) ....
(*ii*) ....
(*iii*) ....

17. *Names of two persons (not relatives) who have been closely acquainted with you for at least five years* :

(*a*) ....

(*b*) ....

Family History

18. *Wife* (for husband in case of female applicants)

Name..

Nationality....................................

Profession.....................................

Present address...............................

....

Previous unmarried...........................
(or married) name(s)

19. *Children* :

Name	Sex	Date of Birth	Profession	Present address
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....

20. ***Father*** :

Name...

Nationality..

Profession...

Present address ....

21. ***Mother*** :

Name...

Nationality..

Profession...

Present address......................................

....

22. ***Brother(s) and/or Sister(s)*** :

Name(s)	Sex	Date of Birth	Profession	Present address
...				
...				
...				

23. ***Father's brothers and sisters (aged 15 or over)*** :

(*a*) ....

(*b*) ....

24. ***Mother's brothers and sisters (aged 15 or over)*** :

(*a*) ....

(*b*) ....

25. ***Wife's (or Husband's) brothers and sisters (aged 15 or over)*** :

(*a*) ....

(*b*) ....

CERTIFICATE

I certify that the information given above is correct to the best of my knowledge and belief. I understand that false statement or omissions may render me to disqualification or disciplinary action which may include dismissal.

———————— ————————

(*Date*) (*Signature*)

ESTABLISHMENT MANUAL

VOLUME I

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